

# Local Legislation Act 1927

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**An Act to confer certain powers on certain Public Bodies and to validate certain transactions.**

## 1 Short Title

This Act may be cited as the Local Legislation Act 1927.

### *County councils*

## 2 Authorizing Manukau County Council to pay for certain lands acquired in connection with Tironui Railway-station site

Whereas the Manukau County Council (hereinafter called the said **Council**), in pursuance of a special order passed on 16 February 1926, in terms of paragraph (e) of section 16 of the Local Bodies Loans Act 1913, has raised a special loan of 1,050 pounds for the purpose of purchasing land, fencing, surveying, legalization, draining, and constructing roads and footpaths to give access from the Great South Road and the Valley Road to the proposed Tironui Railway-station in the Papakura Riding of the said county:

And whereas the said Council had agreed and intended out of the said loan-moneys to pay to the respective owners the sum of 100 pounds an acre for all lands required for the site of the said proposed Tironui Railway-station and the roadway giving access thereto:

And whereas such lands so required have been taken by the Crown for railway purposes under the provisions of the Public Works Act 1908, and doubts have arisen as to the powers of the said Council to pay therefor as agreed:

And whereas the sum of 23 pounds 7 shillings expenses of survey in connection with the said site and access have been incurred, and doubts have arisen as to the powers of the Council to pay the same out of the said loan-moneys:

Be it therefore enacted as follows:

The said Council is hereby authorised and empowered out of the said loan-moneys to pay to the respective owners or other the persons equitably entitled thereto the sum of 100 pounds an acre for all lands taken or required to be taken in connection with the site of the Tironui Railway-station and the roadway giving access thereto, and also out of the said loan-moneys to pay the sum of 23 pounds 7 shillings in respect of preliminary survey charges incurred in connection therewith.

## 3 Conferring on Matamata County Council certain powers with respect to a gravel reserve

- (1) Notwithstanding anything to the contrary in the Public Reserves and Domains Act 1908, or in any Order in Council or in any title issued to the Corporation of the County of Matamata with respect to the gravel reserves being respectively Lot 1 of Section 3, Block II, Patetere North Survey District (Mangapouri Settlement), having an area of 7 acres 1 rood, more or less, and that part of Allotment 249, Parish of Hautapu, comprised in certificate of title, Volume 91, folio 163, Auckland Registry, now called Section 11, Block IX, Cambridge Survey District, shown on a plan lodged in the Land Transfer Office at Auck-

land under Number 4865A, and having an area of 4 acres, more or less, the said Corporation of the County of Matamata shall have and may exercise with respect to each of such reserves or any part thereof all the powers conferred on County Councils by section 152 of the Counties Act 1920.

- (2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to make such endorsements or memorials on Crown grants or certificates of title as may be rendered necessary by the provisions of this section.

#### **4 Validating expenditure of loan-moneys by the Uawa County Council**

Whereas the Uawa County Council was, by a poll taken on 26 May 1920, under the provisions of the Local Bodies' Loans Act 1913, duly authorised by the ratepayers of the said county to raise a loan of 104,455 pounds for the purposes set out in the proposals submitted to the ratepayers:

And whereas by the said proposals the sum of 16,000 pounds was allocated for the renewal and erection of bridges and the sum of 8,300 pounds was allocated for the purchase of roadmaking machinery and motor-lorries:

And whereas the said Council expended on the renewal and erection of bridges the sum of 276 pounds 7 shillings and 9 pence in excess of the amount so authorised by the said proposals for those purposes:

And whereas the said Council expended on the purchase of roadmaking machinery and motor-lorries the sum of 9,428 pounds 7 shillings and 11 pence in excess of the amount so authorised by the said proposals for those purposes:

And whereas the expenditure of the said amount for the purchase of roadmaking machinery and motor-lorries was necessary for the purpose of enabling the said Council to carry out expeditiously and economically the formation, metal-ling, and tar-sealing of roads authorised by the said proposals:

And whereas the expenditure of the said amounts of 276 pounds 7 shillings and 9 pence and 9,428 pounds 7 shillings and 11 pence respectively in excess of the amounts authorised by the said proposals is deemed to be unlawful:

And whereas it is desired to validate such expenditure:

Be it therefore enacted as follows:

The said payments made by the said Council out of the said loan-moneys for the renewal and erection of bridges and for the purchase of roadmaking machinery and motor-lorries in excess of the amounts authorised by the said loan proposals to be raised for these purposes are hereby validated.

#### **5 Validating expenditure by Castlepoint County Council of certain loan-moneys borrowed for workers' dwellings, and empowering Council to recoup General Account**

Whereas the Castlepoint County Council proceeded by way of special order to raise a loan of 2,000 pounds for the purpose of erecting a roadman's cottage,

and of altering, enlarging, repairing, and improving existing workers' dwellings, and of supplying the same with requisite fittings and conveniences:

And whereas the existing workers' dwellings included an overseer's cottage:

And whereas subsequent to the passing of the said special order it was decided that the Council instead of altering, enlarging, repairing, or improving the existing overseer's cottage would erect adjacent thereto a new cottage for the use of the overseer, and supply such cottage with the requisite fittings and conveniences:

And whereas the said sum of 2,000 pounds was found to be sufficient for the purposes of the whole of such works.

And whereas it is desired to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The expenditure by the Castlepoint County Council in the erection of a new overseer's cottage, and the supplying of such cottage with the requisite fittings and conveniences, of any moneys borrowed as hereinbefore recited for the purpose of altering, enlarging, repairing, and improving existing workers' dwellings is hereby validated.
- (2) The said Council is hereby empowered to refund to its County Fund Account out of the proceeds of the said loan an amount not exceeding 694 pounds 7 shillings and 3 pence in respect of moneys advanced from that account for the erection of such overseer's cottage.

## **6 Varying purposes of expenditure of certain loan raised by Weber County Council**

Whereas the Weber County Council, being duly authorised by a poll of ratepayers taken on 27 July 1915, raised a special loan of 10,000 pounds under the Local Bodies' Loans Act 1913, for the carrying-out of certain works in various ridings in the Weber County:

And whereas in the loan proposal as approved by the ratepayers the sum of 480 pounds was allocated for expenditure on the Te Awaputahi Bridle-track in the Wimbledon Riding of the said county:

And whereas work on the said track was abandoned after a sum of 30 pounds had been expended:

And whereas it is desired to expend the balance of the said sum of 480 pounds on Birch Road in the said riding:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies Loans Act 1926, or in any other Act, it shall be lawful for the Weber County Council, out of the loan-moneys raised for the Te Awaputahi Bridle-track, to expend the sum of 450 pounds, being the balance aforesaid, on Birch Road in the Wimbledon Riding of the County of Weber.



**7 Authorizing diversion of portion of loan by Oroua County Council**

Whereas the Oroua County Council, on 22 July 1927, duly raised, under the provisions of the Local Bodies' Loans Act 1926, a loan of 10,000 pounds from the Public Trustee for highway-construction work in the County of Oroua:

And whereas the total amount so raised is not now required for the said work, and the said Council is desirous of diverting and applying 5,000 pounds of such loan for the purposes hereinafter mentioned:

And whereas it is expedient so to authorise the said Council:

Be it therefore enacted as follows:

The Oroua County Council is hereby authorised to divert and apply 5,000 pounds of the said loan of 10,000 pounds raised from the Public Trustee as hereinbefore mentioned towards the construction or reconstruction of bridges in the said county other than bridges the cost of construction or reconstruction of which is properly a charge against any riding account.

**8 Empowering Selwyn and Ellesmere County Councils to raise a loan for acquiring land and erecting public hall and library at Dunsandel**

Whereas by an Order in Council dated 17 March 1924, and published in the *Gazette* of the 27th day of that month, the control of Reserve 4103, Block VIII, Selwyn Survey District, in the Canterbury Land District, a reserve for a site for a public library, was vested in a Board by the name of the Dunsandel Public Library Board in pursuance of section 2 of the Public Reserves and Domains Amendment Act 1914:

And whereas by an Order in Council dated 20 December 1926, and published in the *Gazette* of 13 January 1927, the appointment of the said Board was revoked:

And whereas by an Order in Council dated 10 January 1927, and published in the *Gazette* of the 13th day of that month, the said reserve was vested in the Corporation of the County of Selwyn in trust as a site for a public library:

And whereas a public hall and library is erected on the said reserve, and for many years has been used by and for the benefit of the inhabitants of an area comprising parts of the counties of Selwyn and Ellesmere:

And whereas the said reserve as such is not of sufficient area for the purpose for which it was set aside and the building on it is old and unsuitable, and it is desirable that a more suitable piece of land as hereinafter described should be acquired as a site for a public hall and library for the use and benefit of the inhabitants of the said area, and that a new public hall and library should be erected thereon, and that the said reserve should continue to be used in conjunction with the said piece of land so to be acquired:

And whereas it is desirable that a joint special loan should be raised by the Selwyn and Ellesmere County Councils for the purpose of acquiring the said piece of land and the erection of a public hall and library thereon, and that the said

loan should be secured by a special rate over all the rateable property within the said parts of the said counties:

And whereas it is desirable to empower the Selwyn County Council to remove, sell, or otherwise dispose of the existing public hall and library on the said reserve, and to apply any moneys derived from any such sale towards the erection of the public hall and library on the said piece of land:

Be it therefore enacted as follows:

- (1) The Selwyn County Council and the Ellesmere County Council are hereby empowered to raise a joint special loan not exceeding 1,000 pounds for the purpose of acquiring the piece of land described in subsection (8) (hereinafter referred to as the **said piece of land**) and of erecting thereon a public hall and library for the use and benefit of the inhabitants of the parts of the said counties described in subsection (7).
- (2) The joint special loan hereby authorised shall be raised in the same manner as a joint special loan authorised under Part 2 of the Local Bodies' Loans Act 1926, and the provisions of that Part shall apply accordingly. For the purposes of the said Part 2 the Selwyn County Council shall be deemed to be the principal local authority, but in lieu of distributing the principal moneys of the loan in the manner provided by paragraph (h) of section 64 of the Local Bodies' Loans Act 1926, the Selwyn County Council shall itself apply them to the purposes for which the joint special loan is authorised to be raised.
- (3) The said piece of land when purchased shall vest in the Corporation of the County of Selwyn as a site for a public hall and library upon trust for the benefit and use of the inhabitants of the said parts of the counties of Selwyn and Ellesmere. The District Land Registrar of the Land Registration District of Canterbury shall note such trust upon the certificate of title for the said piece of land and upon the appropriate folium of the register.
- (4) The Selwyn County Council is hereby empowered to remove and sell, by public auction or tender, the buildings now being on the said Reserve Number 4103, and to apply and expend the net proceeds of any such sale in or towards the public hall and library to be erected on the said piece of land.
- (5) The said Reserve Number 4103 shall remain vested in the Selwyn County Council as a site for a public hall and library, and shall be used in conjunction with the said piece of land for the purposes of the public hall and library to be erected thereon and for the convenience of the inhabitants of the said parts of the said counties respectively frequenting the same.
- (6) Any moneys received by the Selwyn County Council from the Dunsandel Public Library Board may be applied by that Council in or towards the erection of the public hall and library on the said piece of land.

- (7) The parts of the Selwyn and Ellesmere Counties respectively to which this section relates are particularly described as follows:

All that area of land in the Canterbury Land District, being part of the Ellesmere County, situate in the Selwyn and Leeston Survey Districts (as shown coloured green on plan marked IA 19/174/31, and deposited in the Department of Internal Affairs at Wellington), the boundaries of which are as follows: commencing at the point of intersection of the centre-line of the Main South Railway with the centre-line of the River Selwyn; thence south-easterly along the centre-line of the River Selwyn to a point in line with the eastern boundary of RS 3780; thence southerly along the said line to the north-eastern corner of RS 3780; thence southerly along the eastern boundaries of RS 3780, 9741, 12923, to the Selwyn and Lake Road; thence south-westerly along the south-eastern boundaries of RS 4494, 5757, to the River Irwell; thence north-westerly along the River Irwell to the south-eastern boundary of RS 34423; thence south-westerly along the south-eastern boundary of RS 34423 to the Boundary Creek Road; thence westerly along Boundary Creek Road to Watson's Road; thence south-westerly along Watson's Road to the southern boundary of RS 4292; thence westerly along the south-western boundaries of RS 4292, 3657; thence south-westerly along the south-eastern boundaries of RS 3117, 3119, 6258, and Reserve 715 to the Dunsandel and Brookside Road; thence south-easterly along the Dunsandel and Brookside Road to Sanderson's Road; thence south-westerly along Sanderson's Road to the south-western boundary of RS 9844, 9979; thence north-westerly along the south-western boundary of RS 9844, 9979, to the south-eastern boundary of RS 9695; thence along the south-east boundary of RS 9695 to the Lower Killinchy Road; thence north-west along the Lower Killinchy Road to the Main Dunsandel Road; thence southerly along the Main Dunsandel Road to the north-western boundary of RS 14026; thence south-westerly along the north-western boundary of RS 14026; thence south-easterly along the south-western boundaries of RS 14026, 14025; thence south-westerly along the south-eastern boundary of RS 14319 to the road forming the south-western boundary of RS 14319; thence southerly along the said road to the south-eastern boundary of RS 15367; thence south-westerly along the south-eastern boundary of RS 15367 to the road forming the south-western boundary of RS 15367; thence north-westerly along the said road to the southern boundary of RS 26040; thence westerly along the southern boundary of RS 26040 to the road forming the western boundary of RS 26040; thence southerly along the said road to the road forming the south-western boundary of RS 33516; thence north-westerly along the said road to the centre-line of the Main South Railway; thence north-easterly along the centre-line of the Main South Railway to the commencing-point. Also all that area of land in the Canterbury Land District, being part of the Selwyn County, situate in the Hawkins, Selwyn, and Leeston Survey Districts (as shown coloured pink on plan marked IA 19/174/31, and deposited in the Department of Internal Affairs at Wellington), the boundaries of which are as follows: commencing at a point on the centre-

line of the River Selwyn, the said point being in line with the north-western boundary of RS 4249; thence to the north-western corner of RS 4249; thence south-westerly along the north-western boundary of the said section to the Hororata River; thence south-easterly along the Hororata River to its intersection with Sheat's Road; thence south-westerly along Sheat's Road to the Dunsandel Road; thence easterly along the Dunsandel Road to its intersection with the Two-chain Road; thence southerly along the Two-chain Road to its intersection with Wright's Road; thence south-easterly along Wright's Road to its intersection with the Main South Road; thence south-westerly along the Main South Road to its intersection with a road forming the south-western boundary of Reserve 2287 and RS 9281; thence south-easterly along the said road to the centre-line of the Main South Railway; thence north-easterly along the centre-line of the Main South Railway to the centre-line of the River Selwyn; thence north-westerly along the centre-line of the River Selwyn to the commencing-point.

- (8) The piece of land authorised to be purchased as aforesaid is particularly described as follows:

All that parcel of land situated in Block VIII of the Selwyn Survey District having frontage on Station and Dunsandel Roads, containing by admeasurement 2 roods and two-fifths of a perch, more or less, and being the lots numbered 1, 2, and 3 on a plan deposited in the Land Transfer Office at Christchurch as Number 7792, and being part of the land comprised in certificate of title, Volume 381, folio 97.

#### **9 Authorizing Ashburton County Council to prepare and publish jubilee booklet**

The Ashburton County Council is hereby authorised to expend out of its ordinary funds an amount not exceeding 120 pounds on the preparation and publication of a commemorative booklet in connection with the jubilee of the County of Ashburton.

#### **10 As to overdraft authority of Peninsula County Council**

- (1) The authority conferred on the Minister of Internal Affairs by subsection (5) of section 3 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 Peninsula County Council to borrow by way of bank overdraft until 31 March 1928.
- (2) In the case of the said County Council the limits imposed by subsection (2) of the aforesaid section 3 shall not apply with respect to any year prior to the year beginning on 1 April 1929.

**11 Validating loan of £700 by Maniototo County Council. and authorizing refund to General Account**

Whereas in pursuance of the provisions of section 22 of the Health Act 1920, the Board of Health in June 1924, did, by requisition in writing under the seal of the Board, require the Maniototo County Council to carry out certain drainage-works in a portion of the Township of Ranfurly in the County of Maniototo:

And whereas in compliance with a request received from ratepayers in the area affected, and whilst the said works were being carried out, the Council extended the said drainage-works into an area beyond that required by the requisition of the Board of Health:

And whereas the cost of such works was paid out of the General Account of the said Council:

And whereas in pursuance of an authority conferred pursuant to paragraph (e) of section 16 of the Local Bodies' Loans Act 1913, the Council took steps to raise a loan of 700 pounds for the purpose of recouping its General Account in respect of the payment thereof of such cost, and to pledge as security therefor a special rate over the portion of the Maniototo County hereinafter in this section defined:

And whereas there is no lawful authority to raise a loan for such purpose:

Be it therefore enacted as follows:

- (1) The Maniototo County Council is hereby authorised to raise, under the provisions of the Local Bodies' Loans Act 1926, but by special order and without taking the steps prescribed by sections 9 to 13 of that Act, a special loan of 700 pounds, and may pay the proceeds of such loan to its General Account for the purpose of recouping to that account the amount paid for the drainage-works in the area referred to in the next succeeding subsection.
- (2) The said Council is hereby authorised 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 Section 1, 2, 3, 4, 5, and 7, Block X. Ranfurly Township, in the Riding of Mount Ida.

**12 Validating expenditure by certain County Councils to celebrate the jubilee of certain counties**

The expenditure by the County Councils of the counties of Maniototo, Taieri, Tuapeka, and Vincent during the year ended 31 March 1927, of the sums of 65 pounds, 52 pounds 10 shillings, 18 pounds 18 shillings and 9 pence, and 78 pounds 8 shillings and 6 pence respectively in respect of the celebration of the jubilee of the said counties is hereby validated and declared to have been lawfully made.

*City and borough councils***13 Varying purposes of expenditure of loan of £4,000 raised by Whangarei Borough Council for unemployment relief**

Whereas the Whangarei Borough Council, by special resolution dated 5 July 1926, authorised the raising of a loan of 4,000 pounds for the purpose of providing for the relief of unemployment by the carrying-out of road-construction works:

And whereas it is desirable to vary the purposes for which the said loan may be expended:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, it shall be lawful for the Whangarei Borough Council to expend any portion of the said loan of 4,000 pounds for the purpose of constructing footpaths and culverts and making alterations to bridge-approaches.

**14 Validating payment by Auckland City Council of cost of advertising in the supplement to London *Times***

The payment by the Auckland City Council of the sum of 600 pounds out of the General Account in the District Fund of the Council, being the cost of a full-page advertisement in the supplement to the *Times* newspaper published in London simultaneously with the arrival in New Zealand of their Royal Highnesses the Duke and Duchess of York is hereby validated and declared to have been lawfully made.

**15 Authorizing Devonport Borough Council to accept a gift of a piece of land, and imposing restriction as to fencing**

Whereas William Charles Rolfe and Margaret Rolfe, of Devonport, being seized of an estate in fee-simple in that parcel of land containing 16 perches, more or less, being Lots 87 and 88 on a plan deposited in the Land Transfer Office at Auckland under Number 1055, being part of Allotment 32 of Section 2, Parish of Takapuna, and the whole of the land comprised in certificate of title, Volume 119, folio 173, of the register-books of the District Land Registrar at Auckland, are desirous of vesting the same in the Corporation of the Borough of Devonport as a public reserve for the use and recreation of the inhabitants of Devonport, but subject to the condition regarding the erection of fencing hereinafter set forth:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Devonport Borough Council, on behalf of the Corporation of the said borough, to accept a transfer of the land hereinbefore described, to be held as a public reserve as aforesaid.
- (2) No fence shall at any time hereafter during the lives of the donors, or the survivor of them, be erected upon the said land which might in any way obstruct the

view from the property of the donors immediately opposite the said Lots 87 and 88, being parts of Lots 122 and 123 on deposited plan Number 2820, of Allotment 31, Section 2, Parish of Takapuna, and being the whole of the land comprised in certificate of title, Volume 433, folio 264.

**16 Authorizing Hamilton Borough Council to contribute £1,000 towards the erection of a maternity home. Repeal**

Whereas by section 101 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925, the Hamilton Borough Council was empowered to purchase a certain piece of land, being part of Allotment 24 of the Parish of Te Rapa, and to convey the same to the Waikato Hospital Board as a site for a maternity home:

And whereas it has been agreed by and between the said Council and the said Board that a maternity home shall be established and maintained on land now vested in the said Board, and that the said Council shall pay to the said Board the sum of 1,000 pounds in lieu of purchasing and conveying to it the aforesaid piece of land:

Be it therefore enacted as follows:

- (1) The Hamilton Borough Council is hereby authorised and empowered to pay to the Waikato Hospital Board the sum of 1,000 pounds out of the District Fund of the Borough of Hamilton; and such sum of 1,000 pounds shall be expended by the said Board in or towards establishing and maintaining a maternity home on the land vested in it, being part of Allotment 25 of the Parish of Te Rapa.
- (2) Section 101 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1925, is hereby repealed.

**17 Authorizing Wanganui City Council to grant a lease of certain lands to the Wanganui Education Board**

*[Repealed]*

Section 17: repealed, on 7 November 1929, by section 13(5) of the Local Legislation Act 1929 (1929 No 21).

**18 Validating lease of certain land to Wanganui City Corporation, and authorizing Council to dispose of lease**

Whereas on 6 October 1925, the Corporation of the City of Wanganui (hereinafter called the **Corporation**) agreed with the Commercial Bank of Australia, Limited (hereinafter called the **bank**), to lease for a term of 21 years from and inclusive of 19 October 1925, at a yearly rental during the first 10 years of 182 pounds, and during the last 11 years at a yearly rental to be fixed by a valuation to be made by 2 independent persons, one to be appointed by the Corporation and one by the bank, or some independent person to be appointed by such Valuers, all that piece of land situate in the Provincial District of Wellington, containing 20 perches, more or less, being part of Section 195 on the public

map of the City of Wanganui and the whole of the land in certificate of title, Register-book, Volume 75, folio 207, for the purposes of a ladies' rest:

And whereas the Corporation has been in possession of the said lands since the said 19 October 1925:

And whereas on 4 October 1927, a proper lease of the said lands and premises was executed by the parties:

And whereas the premises are not suitable for and are not used by the Corporation for the purposes aforesaid:

And whereas the Corporation is desirous of disposing of the lease of the said lands and premises by assignment or underlease:

And whereas doubts have arisen as to the power of the Corporation to accept the said lease or dispose of the same:

And whereas it is expedient that the action of the Corporation should be validated and power given to dispose of the said lease:

Be it therefore enacted as follows:

- (1) The said memorandum of lease of 4 October 1927, from the Commercial Bank of Australia, Limited, to the Corporation of the City of Wanganui herein referred to, and every clause and article therein contained, is hereby validated and confirmed.
- (2) The Corporation may assign, underlet, transfer, or otherwise dispose of the said lease of 4 October 1927, and the lands therein described at such price or rent and upon such terms and conditions as the Council of the Corporation shall by resolution determine without taking any of the steps required by section 155 of the Municipal Corporations Act 1920.

#### **19 Validating certain transactions by Wanganui City Council in respect of Wanganui Abattoirs, and authorizing lease of lands**

Whereas the Wanganui Harbour Board (hereinafter called the **Board**) by memorandum of lease dated 4 October, 1927, leased to the Corporation of the City of Wanganui (hereinafter called the **Corporation**) certain lands at Castlecliff, containing 1 acre 3 roods 26 and seven-tenths perches, more or less, being parts of Sections 103 and 104, Block V, Westmere Survey District, and part of the lands in certificates of title, Volume 63, folio 136, and Volume 228, folio 127, for a term of 8 years from 1 April 1927, with the rights of renewal therein contained, at a rental of 100 pounds per annum, such lands to be used for the purposes of a public abattoir:

And whereas by deed of covenant dated 4 October 1927, and made between the Corporation of the one part and the Board of the other part, the Corporation agreed to pay to the Board the sum of 7,500 pounds, portion of a sum of 40,000 pounds which the Board was authorised to borrow in connection with the establishment of freezing-works and cool chambers on the lands aforesaid pur-



suant to the Wanganui Harbour District and Empowering Amendment Act 1926:

And whereas by deed of delegation dated 21 April 1927, the Wanganui City Council delegated to the Wanganui Abattoir Company, Limited (hereinafter called the **company**), the right to establish an abattoir on the said lands and maintain the same for the purposes of the City of Wanganui pursuant to the Slaughtering and Inspection Act 1908:

And whereas the company in terms of such delegation established an abattoir on part of the said lands:

And whereas for the purposes of the said abattoir the Corporation, by memorandum of sublease dated 4 October 1927, leased to the company portion of the said lands containing 1 acre and 36 perches, more or less, being part of section numbered 103, deposited plan Number 264, Town of Castlecliff, being part Lot H, Right Bank Wanganui River, Block V, Westmere Survey District, and part of the land in certificates of title, Volume 63, folio 136, and Volume 228, folio 127, for the term of 5 years from 1 April 1927, with the right of renewal therein contained, at the weekly rental of 18 pounds, for the purposes of a public abattoir:

And whereas portion of the said lands comprised in the said memorandum of lease remain in the Corporation, and it is expedient that the Corporation should be authorised to lease the same, and that the hereinbefore-in-part-recited memorandum of lease, deed of covenant, and memorandum of sublease should be validated:

Be it therefore enacted as follows:

- (1) The said memorandum of lease of 4 October 1927, the said deed of covenant of 4 October 1927, and the said memorandum of sublease of 4 October 1927, and every clause and article therein contained are hereby validated and confirmed.
- (2) The Corporation may, without taking the steps required by section 155 of the Municipal Corporations Act 1920, grant a lease or leases of the balance of the said lands in the said memorandum of lease of 4 October 1927, described for such term, at such rent, and upon such terms and conditions as the Council of the Corporation may by resolution determine.

**20 Authorizing Palmerston North Borough Council to transfer certain lands to Palmerston North High School Board and to Royal New Zealand Society for the Health of Women and Children**

Whereas the Corporation of the Borough of Palmerston North is the registered proprietor of, firstly, that parcel of land situate in the said Borough of Palmerston North being part of Section 103 and Section 104, Palmerston North, having a frontage of 66 feet to Princess Street by a depth of 110 feet, and being part of the land comprised in certificate of title, Volume 147, folio 152, Wellington Registry, and, secondly, that parcel of land situate in the said Borough

of Palmerston North being part of Section 103, Palmerston North, having a frontage of 66 feet to King Street by a depth of 66 feet, and being the other part of the land comprised in certificate of title, Volume 147, folio 152, Wellington Registry:

And whereas the said Corporation desires to transfer by way of gift the parcel of land firstly hereinbefore described to the Governors of the Palmerston North High School for educational purposes, and to transfer by way of gift or to lease at a nominal rental for any number of years the parcel of land secondly 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:

- (1) It shall be lawful for the Corporation to transfer and assure by way of gift the parcel of land firstly hereinbefore described to the Governors of the Palmerston North High School for educational purposes, and to transfer and assure by way of gift or to lease for any number of years at a nominal rental the parcel of land secondly hereinbefore described to the society for the purposes of the society.
- (2) It shall be lawful for the Corporation to impose and include in any transfer of the land secondly described such terms and conditions as it shall deem reasonable, and particularly the following:
  - (a) that if the society shall at any time cease to carry on in Palmerston North the work for which it was founded and incorporated, then the said land shall, with all buildings and improvements thereon, be revested in the Corporation, and the society, its successors or assigns, shall execute all necessary documents for effecting such revesting.
  - (b) the society shall be entitled to raise money on first mortgage of the land sufficient to enable it to erect a building on the said land for the purposes of the society, and shall apply all moneys so raised for such purpose only.
  - (c) the society shall repay within 7 years all moneys so raised as aforesaid, and shall not be entitled to again mortgage, charge, or encumber the said land.
  - (d) if the society shall at any time hereafter make default under the said first mortgage, and the mortgage shall become entitled to exercise the power of sale in such mortgage, the society shall, if called upon by the Corporation, transfer the said piece of land to the Corporation subject to the said mortgage.
- (3) Any lease of the piece of land secondly described shall contain such covenants, conditions, and agreements as the Corporation thinks fit.

**21 Validating certain expenditure by Palmerston North Borough Council in connection with jubilee celebrations**

Whereas the Palmerston North Borough Council (hereinafter called the **Council**) lately authorised certain celebrations to commemorate on 1, 2, 3, and 4 March 1927, the jubilee of the constitution of the Borough of Palmerston North, and incurred in connection therewith certain liabilities:

And whereas the Council received on account of the expenses of such celebrations certain moneys from public subscriptions:

And whereas such moneys proved insufficient to satisfy the whole of such liabilities, and it is desirable to authorise the Council to pay out of its District Fund the amount required over and above the amount of such public subscriptions, and to validate the action of the Council in incurring such liabilities:

Be it therefore enacted as follows:

- (1) The action of the Council in authorizing the said celebrations and incurring the said liabilities is hereby validated.
- (2) The Council is hereby authorised to apply the said public subscriptions and also to pay out of the General Account of the District Fund of the said borough a sum not exceeding 300 pounds for the purpose of satisfying such liabilities.

**22 Empowering Masterton Borough Council to write off the sum of £722 17s. 9d**

Whereas the sum of 722 pounds 17 shillings and 9 pence was misappropriated in the year 1920 by an executive officer of the Masterton Borough Council (employed in the dual capacity of Town Clerk and Borough Engineer) from drainage loan-moneys belonging to the Corporation of the Borough of Masterton:

And whereas such sum represented an administrative loss and as such should be debited to the District Fund with consequent refund to the Loan Account:

And whereas the drainage-works for which the said loan was raised have been completed, and the only effect of making such a refund as aforesaid would be to transfer the sum of 722 pounds 17 shillings and 9 pence to the sinking fund of the said loan:

And whereas it is deemed expedient to empower the Masterton Borough Council to write off the said sum of 722 pounds 17 shillings and 9 pence:

Be it therefore enacted as follows:

The Masterton Borough Council is hereby empowered to write off the said sum of 722 pounds 17 shillings and 9 pence.

**23 Authorizing Carterton Borough Council to extinguish a liability in respect of the Clareville Cemetery**

Whereas by Order in Council dated 30 March 1926, and published in the *Gazette* of 8 April then instant, the land described in the schedule to the said Order in Council became vested in the Corporation of the Borough of Carterton in trust as a site for a public cemetery:

And whereas the prior trustees of the said land were indebted to the Bank of New Zealand for the sum of 66 pounds 5 shillings and 2 pence, and it is desirable to make provision for the said liability to be extinguished by the Carterton Borough Council:

Be it therefore enacted as follows:

The Carterton Borough Council is hereby authorised to pay out of its General Account the said sum of 66 pounds 5 shillings and 2 pence to the Bank of New Zealand.

**24 Validating unauthorised expenditure incurred by Lower Hutt Borough Council during financial year 1925–26**

- (1) The expenditure by the Lower Hutt Borough Council during the financial year ended on 31 March 1926, of 2 several sums being, firstly, the sum of 40 pounds 19 shillings and 1 penny expended in respect of the maintenance and repair of and purchase of materials for a billiard-table used in the recreation-room of the Lower Hutt Fire Brigade Station, and, secondly, the sum of 34 pounds 4 shillings and 6 pence expended in respect of the maintenance of a portion of the disused Methodist Cemetery adjoining Bridge Street in the Borough of Lower Hutt, is hereby validated and declared to have been lawfully made.
- (2) The said Council may in any year expend such sums as it thinks fit in maintaining the said cemetery.

**25 Validating Nelson City Council Baths Loan of £8,800**

Whereas the Nelson City Council was in the year 1924 authorised by a poll of ratepayers to raise a special loan of 8,750 pounds for the purpose of erecting baths:

And whereas in preparing the debentures for issue in connection with the said loan an error was inadvertently made whereby the total sum borrowed amounted to 8,800 pounds, being 50 pounds in excess of the authorised amount:

And whereas it is expedient that the borrowing of the said excess amount of 50 pounds should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Local Bodies' Loans Act 1926, or in any other Act, the borrowing by the Nelson City Council of the said excess sum of 50 pounds and the payment of interest thereon is hereby validated and the said sum of 50 pounds is hereby declared to have been lawfully borrowed.

**26 Validating certain expenditure by the Westport Borough Council**

The expenditure by the Westport Borough Council during the financial year ended on 31 March 1927, of the sum of 68 pounds 11 shillings and 7 pence in connection with the Westport Borough jubilee celebrations is hereby validated and declared to have been lawfully made.

**27 Authorizing Christchurch City Council to make a payment in respect of accident to Ernest Neil Dodge**

Whereas Ernest Neil Dodge, an infant now of the age of 3 years, met with an accident on 17 December 1925, whereby through a water-cart the property of the Corporation of the City of Christchurch running over him it became necessary to amputate one of his legs:

And whereas the Council of the City of Christchurch, without admitting any liability in respect of such accident, is desirous of contributing a sum of money to be paid out of the District Fund and to be expended for the benefit of the said Ernest Neil Dodge:

Be it therefore enacted as follows:

The Christchurch City Council is hereby authorised to pay out of its District Fund the sum of 300 pounds to trustees to be nominated by resolution of the said Council, upon such trusts for the benefit of the said Ernest Neil Dodge as the said trustees, with the approval of the said City Council, by deed declare, and such payment shall be in satisfaction and extinction of the rights of action (if any) of or on behalf of the said Ernest Neil Dodge against the said Council in respect of such accident.

**28 Provision for expenditure of surplus sinking-fund moneys of Christchurch drainage loan**

*[Repealed]*

Section 28: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**29 Validating certain expenditure by Dunedin City Council in excess of “unauthorised”**

Whereas the “unauthorised expenditure” by the Dunedin City Council for the year ended 31 March 1926, amounted to 692 pounds 6 shillings and 6 pence in excess of the sum prescribed by section 121 of the Public Revenues Act 1910:

And whereas the said excess expenditure was due to exceptional circumstances connected with the New Zealand and South Seas International Exhibition held at Dunedin during the aforesaid period:

And whereas it is desirable to validate the said excess expenditure:

Be it therefore enacted as follows:

The expenditure by the Dunedin City Council during the year ended 31 March 1926, of the sum of 692 pounds 6 shillings and 6 pence in excess of the maximum amount authorised by section 121 of the Public Revenues Act 1910, to be expended for purposes not authorised by any Act or law is hereby validated.

**30 Varying apportionment of certain loan-moneys raised by Greytown Borough Council**

Whereas the Greytown Borough Council was duly authorised by a poll of rate-payers taken on 17 November 1920, to raise a loan of 10,000 pounds under the Local Bodies' Loans Act 1913:

And whereas part of such loan—namely, the sum of 2,000 pounds—was to be used for the purpose of extending and constructing drainage-works, and the balance of such loan—namely, the sum of 8,000 pounds—was to be used for the purpose of providing advances to owners of lands and buildings within the said borough for the construction of private drains, the supply of sanitary appliances, and for all work and material in connection therewith:

And whereas the said Council has raised out of the said sum of 8,000 pounds the sum of 4,000 pounds and made advances for the purpose aforesaid to owners of lands and buildings, of which advances there has been repaid to the said Council the sum of 1,289 pounds 5 shillings and 2 pence:

And whereas it is desirable to authorise the said Council to expend out of such sum of 1,289 pounds 5 shillings and 2 pence aforesaid the following sums—namely, an amount of 300 pounds for the purpose of constructing drains and drainage-works in addition to and in extension of the present drainage-works within the said borough, and an amount of 700 pounds in reconstructing and renewing certain drains and drainage-works now found to be defective in the said borough:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, it shall be lawful for the Greytown Borough Council to expend out of the said sum of 1,289 pounds 5 shillings and 2 pence an amount of 300 pounds for the purpose of constructing drains and drainage-works in addition to and in extension of the present drainage-works within the said borough, and an amount of 700 pounds in reconstructing and renewing certain drains and drainage-works now found to be defective within the said borough.

**31 Provision for special poll to determine statutory closing-day in Borough of Eketahuna under Shops and Offices Act 1921–22**

- (1) Notwithstanding anything to the contrary in section 20 of the Shops and Offices Act 1921–22 (hereinafter referred to as the **said Act**), the Eketahuna Borough Council shall, save as provided in the next succeeding subsection, take, within 1 month after presentation to it of a requisition in that behalf, a special

poll of the electors of the Borough of Eketahuna to determine the statutory closing-day in the borough under the said Act.

- (2) The Council shall not take such special poll unless—
  - (a) the requisition is signed by not less than two-fifths of the total number of electors of the borough, and is presented to the Council not later than 31 March 1928; and
  - (b) security to the satisfaction of the Council is given for the payment to it of the actual cost of taking the poll.
- (3) The provisions of subsections (8) to (11) of section 20 of the said Act shall, with the necessary modifications, apply to the special poll taken under this section.
- (4) Any day appointed as the statutory closing-day pursuant to such special poll shall continue to be the statutory closing-day for the borough until another day is appointed in accordance with section 20 of the said Act.

**32 Validating certain expenditure by Newmarket Borough Council on official opening of new railway-bridge**

The expenditure of 19 pounds 17 shillings and 6 pence by the Newmarket Borough Council on the official opening of the new railway overbridge in Victoria Crescent in the said borough during the month of March 1927, is hereby validated and declared to have been lawfully incurred.

**33 Authorizing Auckland City Council to lease to Auckland Bowling Club (Incorporated) portion of Auckland Domain**

Whereas the lands hereinafter described form part of the Auckland Domain, and are held by the Corporation of the City of Auckland upon the trusts created by the Auckland Domain Vesting Act 1893:

And whereas it is desirable that the same should be leased to the Auckland Bowling Club for the extension of the club's greens:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Auckland Domain Vesting Act 1893, or in any other Act, the Corporation of the City of Auckland may, with the prior consent of the Governor-General and upon such terms and conditions as he may prescribe, grant a lease or leases to the Auckland Bowling Club (Incorporated) of all that area of land in the North Auckland Land District situated in Block VIII, Rangitoto Survey District, and being a part of the Auckland Domain, containing by admeasurement 1 acre and 23 perches, more or less: Bounded, commencing at a point being the northeastern corner of Allotment 1 of Section 18 of the Suburbs of Auckland, and bounded by other part of Auckland Domain by lines 161°38', 7.83 links; 154°55', 65.15 links; 217°24', 15.2 links; 154°30', 246 links; 209°02', 371.2 links; 308°27', 260.9 links; and by Allotment 1 of Section 18, Suburbs of Auckland, 29°02', 530.3 links, to the point of

commencement; for such term or terms not exceeding 21 years, at such rentals, and upon such conditions as the Auckland City Council shall think fit; and such conditions may include a provision for the payment of compensation for improvements upon determination of any such lease or leases.

**34 Authorizing Greymouth Borough Council to contribute towards Dobson Relief Fund**

The Greymouth Borough Council is hereby authorised to contribute a sum not exceeding 50 pounds towards any fund administered by the Public Trustee and established for or towards the relief of the dependants of persons who lost their lives in the Dobson Mine disaster of 1926.

**35 Validating expenditure by the Akaroa Borough Council in purchasing panoramic photographs**

The payment by the Akaroa Borough Council during the financial year ended on 31 March 1926, of the sum of 50 pounds in purchasing panoramic photographs of Akaroa and the surrounding district is hereby validated and declared to have been lawfully made.

**36 Authorizing the New Plymouth Borough Council by special order to declare Davis Lane to be a public street**

Whereas in or about the year 1846 the owner of the piece of land firstly described in subsection (3) purported to set aside the same as a public road or street:

And whereas in Crown grants of adjoining lands issued subsequently the said piece of land was described as a public road, but doubts have arisen as to whether the said land was legally dedicated:

And whereas the land firstly described in subsection (3) and the lands secondly and thirdly described in that subsection have together for many years past been used as a private way:

And whereas the said private way has been properly formed and constructed by the owners thereof or frontagers thereto:

And whereas the parties interested in the said lands and the local authority of the district, the New Plymouth Borough Council (hereinafter referred to as the **Council**), are desirous that the same should be declared a public street, but the Council has no power so to do:

Be it therefore enacted as follows:

- (1) The Council may by special order under section 186 of the Municipal Corporations Act 1920, declare the lands described in subsection (3) to be a public street notwithstanding that the said lands do not comply with the provisions of the said section, and upon the passing of such special order the said lands shall become a street vested as such in the Corporation of the Borough of New Plymouth.



- (2) With respect to the said street the provisions of section 189 of the Municipal Corporations Act 1920, shall be read as if the words “33 feet” and “66 feet” in that section were respectively “a specified distance being not greater than 50 feet” and “a specified distance being not greater than 100 feet.”

- (3) The lands to which this section relates are particularly described as follows:

Firstly, all that piece of land being part of Section 4 on the public maps of the Fitzroy District, Block V, Paritutu Survey District, and being part of the land comprised in Crown grant registered Number 2318, recorded in Register-book Number 8, folio 99, Taranaki Deeds Registry, the said piece of land and the linkages thereof being particularly delineated on the enlarged plan of right-of-way endorsed upon the plan deposited in the Land Transfer Office at New Plymouth as Number 1517, and thereon coloured brown.

Secondly, all that piece of land being part of subdivision numbered 9, part of Section 4, Fitzroy District, Block V, Paritutu Survey District, and also that piece of land containing 9 and six-tenths perches being also part of Section 4 aforesaid, both the said pieces of land being part of the land comprised in certificate of title, Volume 43, folio 124, Taranaki Register, and being particularly delineated on the enlarged plan of right-of-way hereinbefore referred to, but not coloured.

Thirdly, all that piece of land containing 22 and one-tenth perches being part of Section 4, Fitzroy District, Block V, Paritutu Survey District, being part of the land comprised in certificate of title, Volume 104, folio 199, Taranaki Register, and being particularly delineated on the enlarged plan of right-of-way hereinbefore referred to, and thereon coloured pink.

**37 Authorizing Christchurch City Council to increase contribution towards cost of bridge over Avon River and to raise a loan**

Whereas the New Brighton Borough Council, duly authorised in that behalf, has decided to erect a new road-and-tramway bridge over the River Avon in the line of a street within the said borough known as Sea View Road:

And whereas the Borough of New Brighton lies within 5 miles of the City of Christchurch, and is largely frequented by residents of the said city as a holiday and seaside resort:

And whereas the cost of the said bridge is being contributed by the New Brighton Borough Council, the Christchurch City Council, and the Heathcote County Council in shares fixed by Order in Council under the Public Works Act 1908, dated 25 March 1926, and the contribution thereby required of the said City Council is 17.5 per centum of the total cost-namely, the sum of 1,277 pounds:

And whereas the plans of the proposed bridge provide for a maximum clearance under the bridge above the level of the water at ordinary high tides of 4 feet:

And whereas the Christchurch City Council, being desirous of having certain alterations made in the level and construction of the said bridge and the approaches thereto with a view to providing a clearance under the bridge of 6 feet 6 inches instead of 4 feet as shown in the original plans of the said bridge, has applied to the Borough Council of New Brighton to allow of such alterations being made, and the said Borough Council has consented thereto provided that no part of the extra cost occasioned by such alteration shall be borne by the said Borough Council and that the said Council shall be indemnified against all claims (if any) for compensation for damage to property alleged to be caused by such alteration to the level and approaches of the said bridge, and the Christchurch City Council has agreed to the aforesaid conditions:

And whereas to pay its share of such additional cost and to meet any such claims for compensation the further sum of 3,500 pounds will be required, and it is expedient that the Christchurch City Council be empowered to obtain the said sum of 3,500 pounds as well as the original contribution of 1,277 pounds by means of a loan of 4,777 pounds in the manner hereinafter set forth:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Christchurch City Council to increase its original contribution to the cost of the said bridge in manner aforesaid, and to pay the said additional money as well as the said original contribution out of a loan to be raised for that purpose.
- (2) The Christchurch City Council is hereby empowered to raise a loan of 4,777 pounds for the above-mentioned purposes as a special loan under the Local Bodies' Loans Act 1926, by special order of the said Council and without complying with the requirements of sections 9 to 13 of the said Act.

**38 Authorizing Auckland City Council to return to Hebrew community portion of Symonds Street Cemetery**

Whereas by the Auckland (Symonds Street) Cemeteries Act 1908, the lands hereinafter referred to (being part of a Jewish cemetery) became vested in the Corporation of the City of Auckland for the purposes of that Act:

And whereas a request has been made to the Auckland City Council to return a certain portion of the said land by causing it to be vested in trustees for the Hebrew community of Auckland:

And whereas it is desirable to empower the Auckland City Council in its discretion to give effect to such request:

Be it therefore enacted as follows:

The Corporation of the City of Auckland is hereby empowered to transfer to the Auckland Beth Israel Trust Board, incorporated under the Religious, Charitable, and Educational Trusts Act 1908, such part (not exceeding 20 perches) of the land containing 1 acre originally granted to John Israel Montefiore and David Nathan by Crown grant dated 24 November 1843, and now vested in the

said Corporation, as the Auckland City Council may by resolution determine, to be held by the said Trust Board for such purposes of the said Hebrew community, and subject to such limitations as the said Council fixes in such resolution.

### *Town boards*

#### **39 Authorizing the Kamo Town Board to dispose of Section 78, Village of Kamo**

Whereas the Kamo Town Board is registered as proprietor of an estate in fee-simple as a site for a public hall in all that parcel of land containing 1 acre, more or less, being Section 78 of the Village of Kamo, and being the whole of the land comprised in certificate of title registered in Volume 399, folio 2, of the Register-book of the District Land Registrar at Auckland:

And whereas the public hall that was erected on the said land was destroyed by fire on or about 22 July 1923:

And whereas the sum of 500 pounds in respect of a policy of fire insurance received by the said Board on the destruction of the said hall as aforesaid is insufficient for the purpose of building a new hall:

And whereas it is desirable that the said Board should sell the said hall-site and purchase other land for similar purposes:

Be it therefore enacted as follows:

- (1) The Kamo Town Board is hereby authorised to sell the said hall-site by public tender or private treaty in 1 or more lots at a price not less than the existing Government valuation.
- (2) The said Board is further authorised to purchase such land as it may think fit for the erection of a hall and offices thereon and for recreation purposes, and to use the proceeds of the sale of the said hall-site and the said sum of 500 pounds and accrued interest thereon now held by the Board for the purpose of purchasing, improving, and maintaining such land as aforesaid and for the erection of a hall and offices thereon.

#### **40 Authorizing the Papatoetoe Town Board to vary allocation of unexpended balance of a loan of £4,500**

Whereas in the year 1926 the Papatoetoe Town Board, with the approval of the ratepayers, raised a special loan of 4,500 pounds for the purchase of certain pieces of land for recreation and park area purposes:

And whereas the purchase of the said land has been completed and an unexpended balance of loan-moneys amounting to 444 pounds remains to the credit of the loan account:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or any other Act, the Papatoetoe Town Board is hereby authorised to expend the said unexpended balance of 444 pounds on constructing access roads to, providing privy and shelter accommodation on, and otherwise improving the said land.

**41 Authorizing Johnsonville Town Board to raise a loan to redeem certain debentures**

Whereas the Johnsonville Town Board (hereinafter referred to as the **Board**) was by paragraph (a) of section 39 of the Maori Land Claims Adjustment and Laws Amendment Act 1907, empowered to issue certain debentures in payment for the purchase of the Johnsonville Recreation Reserve:

And whereas the Board issued the said debentures, and on the maturity of the said debentures on 30 November 1917, the Board was unable to redeem the said debentures, and by section 45 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1918, the Board was empowered to cancel the said debentures, and in lieu thereof to issue new debentures of equal value with those so cancelled:

And whereas in exercise of the powers conferred upon the said Board by the last-mentioned Act the Board duly issued debentures for the purpose aforesaid maturing on 30 November 1927:

And whereas the sinking fund established by the Board for the purpose of redeeming the said debentures is insufficient for that purpose, and it is expedient to confer upon the Board power to issue new debentures for an amount equal to the difference between the said sinking fund and the amount of the debentures maturing on 30 November 1927, upon the terms and conditions hereinafter appearing:

Be it therefore enacted as follows:

- (1) The Board is hereby empowered to raise, under the provisions of the Local Bodies' Loans Act 1926, but by resolution of the Board and without taking the steps prescribed by sections 9 to 13 of that Act, a special loan for an amount equal to the difference between the said sinking fund and the sum required to redeem the said debentures maturing on 30 November 1927.
- (2) The said loan shall be for a period not exceeding 20 years from 30 November 1927.
- (3) For the purposes of providing for the repayment of such loan under the provisions hereinbefore contained on maturity thereof the Board shall establish a sinking fund of not less than 3 per centum per annum on the amount so borrowed by the Board.
- (4) As security for the repayment of the said loan and for the payment of the annual and other charges in respect thereof the Board shall make and levy a special

rate over the whole of the rateable property in the Johnsonville Town District sufficient to meet the said charges.

**42 Exemption of Johnsonville Town Board from rates levied by Wellington City Council and Makara County Council in respect of a catchment area**

*[Repealed]*

Section 42: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

*Road boards*

**43 Section 14, Reserves and Other Lands Disposal and Public Bodies Empowering Act 1914, repealed**

Whereas by section 14 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1914, certain powers of Borough Councils with respect to drainage and sanitation were conferred on the One Tree Hill, the Epsom, and the Eden Terrace Road Boards:

And whereas the Epsom and the Eden Terrace Road Boards have been dissolved:

And whereas by an Order in Council under the Counties Act 1920, dated 3 October 1927, and published in the *Gazette* of the sixth day of the same month, certain powers of Borough Councils with respect to drainage and sanitation (including the powers defined in the said section 14) were conferred on the One Tree Hill Road Board:

Be it therefore enacted as follows:

Section 14 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1914, is hereby repealed.

**44 Special provision with respect to certain drainage and sewerage loans raised by One Tree Hill Road Board**

Whereas on 29 August 1923, the One Tree Hill Road Board (hereinafter called the **Board**) was authorised by a vote of ratepayers in accordance with the provisions of the Local Bodies' Loans Act 1913, to raise a special loan of 18,000 pounds (hereinafter referred to as **No 1 loan**) for (a) the construction of drainage reticulation in that part of the Board's district known as the Western Area, and (b) the construction of an outfall sewer from the Royal Oak to the sea at the Manukau Harbour, together with a settling-tank in connection with such sewer:

And whereas on 7 November 1923, the Board was authorised in manner aforesaid to raise a special loan of 18,000 pounds (hereinafter referred to as **No 2 loan**) for the construction of drainage reticulation in that portion of the Board's district known as the Eastern Area:

And whereas owing to an alteration in the drainage scheme the outfall sewer and settling-tank authorised to be constructed out of No 1 loan were not constructed, and the sum of 4,350 pounds out of such loan was used in constructing a pumping-station and rising-main:

And whereas after the completion of the drainage reticulation for which No 1 loan was raised and the construction of the said pumping-station and rising-main the Board has a surplus unexpended of the proceeds of No 1 loan amounting to 1,700 pounds:

And whereas the proceeds of No 2 loan were insufficient to complete the drainage reticulation for which such loan was raised, and the Board resolved to borrow a further sum not exceeding 10 per centum of the amount of the No 2 loan in pursuance of the power conferred on it by section 19 of the Local Bodies' Loans Act 1926:

And whereas by agreement bearing date 20 January 1926, made between the Board of the one part and the Auckland and Suburban Drainage Board of the other part it was agreed that the said Western and Eastern Areas should be included within the Auckland and Suburban Drainage District, and in pursuance of the terms of the said agreement there is now due and payable from and by the Board to the Drainage Board the sum of 1,015 pounds 16 shillings in respect of the Western Area, and the sum of 796 pounds 6 shillings and 2 pence in respect of the Eastern Area:

And whereas it is desired that the Board's action in expending the said sum of 4,350 pounds out of the proceeds of No 1 loan for the construction of a pumping-station and rising-main should be validated, and further that the Board should be authorised to pay to the Auckland and Suburban Drainage Board the sum of 1,015 pounds 16 shillings out of the surplus proceeds of No 1 loan, and the sum of 796 pounds 6 shillings and 2 pence from the sum of 1,200 pounds to be raised by the Board as aforesaid:

Be it therefore enacted as follows:

- (1) The expenditure by the Board out of the proceeds of No 1 loan of the sum of 4,350 pounds in the construction of a pumping-station and rising-main is hereby validated.
- (2) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or any other Act, the Board is hereby authorised to pay to the Auckland and Suburban Drainage Board the sum of 1,015 pounds 16 shillings out of the unexpended surplus of the proceeds of No 1 loan, and the sum of 796 pounds 6 shillings and 2 pence out of the sum of 1,200 pounds about to be raised by the Board for the completion of the drainage of the Eastern Area.

*Harbour boards*

**45 Authorizing Bay of Islands Harbour Board to raise 10-per-cent. additional loan in respect of loan of £6,000**

*[Repealed]*

Section 45: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

**46 Authorizing Whangarei Harbour Board to raise 10% additional loan in respect of loan of £120,000**

*[Repealed]*

Section 46: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**47 Authorizing Thames Harbour Board to raise a 10-per-cent. additional loan in respect of loan of £60,000**

Whereas the Thames Harbour Board has, under the authority of the Thames Harbour Board Loan and Empowering Amendment Act 1923, and certain other enactments, raised a loan of 60,000 pounds at a rate of interest of 6 pounds per centum per annum for the objects and purposes set out in the Schedule to the said Act:

And whereas in the course of carrying out the said works it was found that the said sum of 60,000 pounds was insufficient to complete the undertaking for which the loan was raised:

And whereas it is necessary for the said Board to raise a supplementary loan for the purpose of defraying the cost of completing the said undertaking, but a doubt has arisen whether section 19 of the Local Bodies' Loans Act 1926, authorises the said Board to raise a further sum of one-tenth of the said loan of 60,000 pounds:

And whereas it is expedient to give to the said Board the powers hereinafter contained:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the said Board, for the purpose of providing the money necessary to defray the cost of completing the said undertaking, may borrow and shall at all times be deemed to have been authorised to borrow by way of special loan under the Local Bodies' Loans Act 1926, but without taking the steps described in sections 9 to 13 of that Act, the sum of 6,000 pounds.
- (2) Upon the raising of such loan all the powers and provisions contained in sections 12, 13, 14, and 15 of the Thames Harbour Board Loan and Empowering Act 1923, shall, with the necessary modifications, be applicable to the sum so raised in the same manner and to the same extent as if the said loan had been raised under that Act.

**48 Authorizing Tokomaru Bay Harbour Board to purchase certain land and buildings by instalments**

*[Repealed]*

Section 48: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

**49 Authorizing Napier Harbour Board to grant a lease, with option to purchase, to the Napier Technical School Board**

- (1) The Napier Harbour Board is hereby empowered to grant to the Napier Technical School Board a lease, with the option to purchase, of that piece of land containing 2 acres 3 roods 4 and eight-tenths perches, being part of Te Whare-o-Maraenui Block and of Town Section 628, Napier, comprising Lots 664, 665, 666, 667, 669, 670, 671, and 672 on deposited plan Number 2311 in the Hawke's Bay Land Registry Office, at such rent and price and upon such terms and conditions as may be mutually agreed on.
- (2) Upon lodgement of a lease as aforesaid, or of a transfer giving effect to such purchase, from the said Napier Harbour Board to the said Napier Technical School Board of the said land the District Land Registrar for the Land Registration District of Hawke's Bay shall register the same, and upon registration of such transfer shall issue a title in respect of the said land in the name of the Napier Technical School Board.

**50 Section 122, Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, amended**

Section 122 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, is hereby amended by inserting, after the words "may at any time sell", the words "or exchange for other lands".

**51 Authorizing Lyttelton Harbour Board to expend the sum of £500 on publication of historical handbook**

The Lyttelton Harbour Board is hereby empowered to pay out of its Harbour Fund such sum or sums as it thinks fit, not exceeding the sum of 500 pounds, towards the cost of the preparation and publication of an historical handbook or brochure in connection with the celebration of the jubilee of the Board to be held during the month of December 1927.

*Electric-power boards*

**52 Validating certain purchases of land by Auckland Electric-power Board**

Whereas in the year 1925 the Auckland Electric-power Board (hereinafter called the **Board**) purchased the premises situated in Queen Street in the City of Auckland known as the British Hotel, being Lots 1, 2, and 3 on deposited



plan Number 8353, and part of Allotment 14 of Section 16 of the City of Auckland:

And whereas at the time of such purchase such premises were and now are subject to 2 several memoranda of mortgage securing the principal sums of 10,000 pounds and 16,750 pounds respectively:

And whereas in pursuance of the terms of such purchase the Board executed in favour of the vendor a third mortgage to secure repayment of the sum of 23,000 pounds:

And whereas in the year 1926 the Board purchased the premises situated in Durham Street in the City of Auckland known as the Commercial Travellers' Club, being Lot 4 on deposited plan Number 1239 and portion of Allotment 14 of Section 16 of the City of Auckland:

And whereas at the time of such purchase such premises were and now are subject to a certain memorandum of mortgage securing the principal sum of 7,000 pounds:

And whereas the Board has no power to borrow money except in accordance with the provisions of the Local Bodies' Loans Act 1926, and it is desired to validate the purchase of the properties hereinbefore referred to subject to the mortgages mentioned and the giving by the Board of the said mortgage of 23,000 pounds:

Be it therefore enacted as follows:

The purchase by the Board of the properties above described, subject to the mortgages mentioned and the giving by the Board of the said mortgage for 23,000 pounds, is hereby validated.

**53 Authorizing Central Electric-power Board to establish its offices outside its district**

Whereas it is provided by section 47 of the Electric-power Boards Act 1925, that an electric-power Board may provide public offices within the electric-power district:

And whereas the Borough of Hamilton is situated within the boundaries of the Central Electric-power District, but does not form part of the said district:

And whereas it is expedient that the public offices of the said district be established within the Borough of Hamilton:

Be it therefore enacted as follows:

The Central Electric-power Board is hereby authorised to exercise within the Borough of Hamilton the powers conferred by section 47 of the Electric-power Boards Act 1925, as if the said borough was situated within the Central Electric-power District.

**54 Validating clause 8 of electric-lines license of Bay of Plenty Electric-power Board**

Whereas the Bay of Plenty Electric-power Board has authority to take over the supply of electrical energy to the whole or any of the consumers in the Borough of Opotiki now supplied with direct-current electrical energy:

And whereas under the provisions of section 2 of the Public Works Amendment Act 1911, a license relating to the use of electric lines was issued to the Bay of Plenty Electric-power Board, and was published in the *Gazette* of 4 August 1927:

And whereas the conditions of such license will, if the supply of electrical energy to the whole or any of such consumers is taken over by the Board, necessitate a change-over of the electrical-wiring installations of the consumers so taken over:

And whereas the conditions (hereinafter referred to as the **said conditions**) under which such change-over shall be effected are set forth in clause 8 of the schedule to such license:

And whereas doubts have arisen as to the validity of the said conditions in such license:

Be it therefore enacted as follows:

- (1) The said conditions are hereby validated and shall have binding effect as between the licensee and the consumers in cases where the change-over is made.
- (2) The reference of any dispute to a Board of Appeal as provided by the said conditions shall be deemed to be a submission to arbitration under the provisions of the Arbitration Act 1908, or any statutory modification thereof, and the Board of Appeal shall have all the powers vested in arbitrators appointed under the provisions of that Act. In the event of the members of the Board of Appeal not being unanimous in their decision on any matter referred to them the decision of a majority of the members thereof shall be the decision of the Board of Appeal.

**55 Authorizing Otago Electric-power Board to vary appointment of certain loan-moneys**

Whereas the Otago Electric-power Board was on 22 May 1924, duly authorised by the ratepayers of the Otago Electric-power District to raise a loan of 200,000 pounds to be allocated amongst the purposes set out in the loan proposal in the proportions specified therein:

And whereas the amounts raised by the Board for the said purposes are insufficient for some and more than sufficient for others of the said purposes:

And whereas it is expedient that the Board should be authorised to expend such loan-moneys for the said purposes in the manner hereinafter provided instead of in the manner authorised as aforesaid:

And whereas the Board has borrowed a further sum of 13,400 pounds under the authority of section 19 of the Local Bodies' Loans Act 1926:

And whereas it is expedient that the Board should be authorised to raise a further sum of 6,600 pounds under the authority of the said section 19:

And whereas the Board has struck a special rate as security for a total sum of 220,000 pounds:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, it shall be lawful for the said Board to apply the moneys borrowed or to be borrowed as aforesaid in such manner as it may from time to time decide, with the approval of the Minister of Public Works, to the carrying-out of any of the purposes for which the loan was authorised, irrespective of the specific amounts allocated to the said purposes in the loan proposal.
- (2) The said Board is empowered to borrow a further sum not exceeding 6,600 pounds for the purpose of completing any of the purposes for which the said loan of 200,000 pounds and the further sum of 13,400 pounds were raised without it being necessary to give any notice to or take a further poll of the ratepayers.
- (3) The special rate made and levied for the purpose of securing repayment of the said loans of 200,000 pounds and such further sum of 13,400 pounds shall also be the rate for securing the repayment of the sum authorised to be borrowed by the last preceding subsection.

**56 Special provision with respect to taking over Gore Borough Council's electrical reticulation supply by Southland Electric-power Board**

Whereas by a deed of agreement bearing date 30 March 1927, and made between the Mayor, Councillors, and Burgesses of the Borough of Gore (hereinafter referred to as the **Council**) of the one part and the Southland Electric-power Board (hereinafter referred to as the **Board**) of the other part the Council agreed to sell and the Board to purchase the Council's reticulation system for the distribution of electric energy in and about the Borough of Gore:

And whereas by the said deed of agreement the Board agreed that it would as part of the purchase-money for such reticulation system become responsible for and indemnify the Council against all payments of principal, interest, and other charges falling due after 1 April 1927, with respect to the following loans raised by the Council-namely,

- (a) the Gore Borough electric-light loan of 1,500 pounds, falling due on 1 October 1935, and
- (b) the Gore Borough completion electric-light and street-lighting loan of 6,000 pounds, falling due on 1 February 1932:

And whereas the Board has no authority to pay out of its loan-moneys the interest from time to time falling due with respect to the said loans:

And whereas it is desirable that the Board should be empowered so to do:

Be it therefore enacted as follows:

The Board is hereby empowered to make all payments of interest falling due with respect to the above-mentioned loans after the said 1 April 1927, out of loan-moneys held by the Board for the purposes specified in paragraph (f) of subsection (5) of section 114 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1921–22.

**57 Authorizing Tauranga Electric-power Board to raise a loan not exceeding £4,500 for conversion of transmission-line**

Whereas the Tauranga Electric-power Board (hereinafter referred to as the **Board**) purchased from the Tauranga Borough Council and also partly erected an 11 000-volt transmission-line:

And whereas the demand for power within the said area is now such that it is found necessary to convert that portion of the said transmission-line between the Te Puke Substation and the Omanawa Power-station to one of 33 000 volts, and if advisable to extend such 33 000-volt line to McLarens Falls Power-station:

Be it therefore enacted as follows:

- (1) The Tauranga Electric-power Board is hereby empowered by resolution of the Board and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, to raise a special loan or loans under that Act not exceeding in the aggregate the sum of 4,500 pounds, for the purpose of paying the costs of and incidental to converting such portion of the present 11 000-volt line as is erected between the Te Puke Substation and the Omanawa Power-station to one of 33 000 volts, and if it considers it advisable so to do of erecting an extension of such converted line to McLarens Falls Station.
- (2) As security for the repayment of the said loan or loans and for the payment of the interest and sinking fund thereon the Board is hereby authorised and empowered to make and levy a special rate on all rateable property within the inner area of the Board's district, as described in the First Schedule to the Proclamation defining the Tauranga Electric-power District in the *New Zealand Gazette* dated 14 June 1923, sufficient to meet the annual charges on the said sum of 4,500 pounds, plus 10 per centum additional of such annual charges.
- (3) Subject to the approval of the Public Trust Office Investment Board, the Public Trustee is hereby expressly authorised and empowered to lend to the Tauranga Electric-power Board an amount or amounts not exceeding in the aggregate the sum of 4,500 pounds upon such terms and conditions as the said Investment Board directs.

**58 Validating payment of interest and sinking fund out of loan-moneys by Opunake Electric-power Board**

Whereas the Opunake Electric-power Board (hereinafter referred to as the **Board**) was on 16 November 1921, duly authorised by the ratepayers of the Opunake Electric-power District to raise a loan of 70,000 pounds for the purpose of generating and distributing electric energy throughout the said district and outer area:

And whereas the Board paid out of the said loan interest and sinking-fund charges thereon amounting to 4,260 pounds for the financial year ended 31 March 1925:

And whereas the said payment was not made in conformity with the requirements of section 68 of the Electric-power Boards Act 1925:

And whereas it is expedient to validate the said payment:

Be it therefore enacted as follows:

The payment by the Opunake Electric-power Board out of the said loan of 70,000 pounds of the said interest and sinking-fund charges amounting to 4,260 pounds is hereby validated and declared to have been lawfully made.

**59 Authorizing Otago Central Electric-power Board to raise additional 10% of certain loans**

Whereas the Otago Central Electric-power Board was on 24 April 1924, duly authorised by its ratepayers to raise a special loan of 25,000 pounds for

(a) the construction of a high-tension transmission-line from the Teviot Power-station, including a step-down station and reticulation of the inner area to consumers' premises; and

(b) payment of preliminary expenses incurred in connection with the scheme for which the special loan was sought to be raised:

And whereas a further area was added to the Otago Central Electric-power District by Proclamation dated 29 November 1924, and published in the *Gazette* of 4 December 1924:

And whereas the said Board was on 26 February 1925, duly authorised by its ratepayers to raise a special loan of 25,000 pounds for the construction of transmission-lines to and the reticulation of the said added area and the payment of preliminary expenses in connection with the scheme for which the said special loan was raised:

And whereas on 24 March 1927, the said Board was duly authorised by its ratepayers to raise a special loan of 10,000 pounds for the purpose of completing the reticulation of the whole of the district of the Board, and for providing assistance to consumers in the said district in connection with the supply of electrical current and the necessary appliances for that purpose:

And whereas all the said loans have been raised, but have been found insufficient to complete the undertaking in respect of which they were raised, and the said Board desires to borrow a further sum of 6,000 pounds, being one-tenth of the combined amount of the 2 loans of 25,000 pounds first and secondly hereinbefore mentioned and the loan of 10,000 pounds, without taking a further poll of ratepayers:

And whereas the said Board has no authority pursuant to section 19 of the Local Bodies' Loans Act 1926, to borrow the sum of one-tenth of either of the loans of 25,000 pounds hereinbefore mentioned, and doubts have arisen as to whether the said Board has authority under the said section 19 to borrow the sum of one-tenth of the loan of 10,000 pounds hereinbefore mentioned:

Be it therefore enacted as follows:

- (1) The said Otago Central Electric—power Board is hereby empowered, by resolution of the Board and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, to raise a special loan of a sum not exceeding 6,000 pounds for the purpose of completing the undertaking and purposes, or any of them, for which the said 2 loans of 25,000 pounds and the said loan of 10,000 pounds, or any of them, were raised.
- (2) The said Board is further empowered by resolution of the Board to make and levy such special rate on the capital value of the rateable property in the Otago Central Electric-power District as in the opinion of the Board may be necessary as security for the said loan and for the payment of the interest and other charges in respect of such loan.
- (3) Such special rate may be levied as a part of or in addition to any special rates made and levied in respect of the original loans hereinbefore mentioned.

#### *Drainage boards*

#### **60 Authorizing Hauraki United Drainage Board to exercise an unexercised loan authority of Hauraki Drainage Board**

Whereas by a special order (hereinafter referred to as the **said special order**) duly made on 25 February 1927, and confirmed on 26 March 1927, the Hauraki Drainage Board, in pursuance and exercise of powers vested in it in that behalf, decided to raise a special loan of 1,000 pounds for a term of 36.5 years, and to pay interest thereon at the rate of 6 per centum per annum, for the purpose of providing the cost of widening, deepening, improving, and erecting flood-gates in the drains known as the Thames Valley outlet and Te Kauri No 1 drain; widening, deepening, and improving the Wharepoa Road North drain; widening, deepening, and improving the Willow drain; stopbanking the Waihou River from the Willow drain to Dally's outlet drain; and constructing a new intersection drain from the Willow drain to the northern boundary of Section 29, Turua Estate, and declared that the cost of raising the said loan and interest and sinking-fund charges for the first year on the loan should be payable

out of the moneys so raised, and that the security for the payment of the interest and sinking fund on the loan should be a special rate of thirteen thirty-seconds of 1 penny in the pound on the unimproved rateable value of all lands in Class A, nine thirty-seconds of 1 penny in the pound on the unimproved rateable value of all lands in Class B, and four thirty-seconds of 1 penny in the pound on the unimproved rateable value of all lands in Class C within the Central Loan Special-rating Area as defined in the said special order:

And whereas by Order in Council under the Land Drainage Act 1908, dated 11 March 1927, and published in the *Gazette* of the 17th day of the same month, it was ordered and declared that the Hauraki Drainage District and the Horahia Drainage District should, as on and from 1 April 1927, form 1 united district under and for the purposes of the said Act, and that the name of the said united district should be the Hauraki United Drainage District:

And whereas there is no authority for the Hauraki United Drainage Board to raise the said loan of 1,000 pounds:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the Hauraki United Drainage Board is hereby empowered to raise the said loan of 1,000 pounds pursuant to the terms of the said special order in all respects as if the said special order had been duly made by it under the Local Bodies' Loans Act 1926.

**61 Authorizing Hauraki United Drainage Board to exercise an unexhausted loan authority of Horahia Drainage Board**

Whereas by a poll of the ratepayers of the Horahia Drainage District held on 21 January 1926, the Horahia Drainage Board was authorised to raise a special loan of 15,500 pounds for drainage-works for the benefit of the said district:

And whereas the Horahia Drainage Board executed in respect of the said loan 100 debentures of 100 pounds each, 60 of which have been sold by the said Board, and 40 of which are held by the Bank of New Zealand under a deed of hypothecation or mortgage executed by the said Board:

And whereas by Order in Council under the Land Drainage Act 1908, dated 11 March 1927, and published in the *Gazette* of the 17th day of the same month, it was ordered and declared that the Hauraki Drainage District and the Horahia Drainage District should, as on and from 1 April 1927, form 1 united district under and for the purposes of the said Act, and that the name of the said united district should be the Hauraki United Drainage District:

And whereas at the date of the constitution of the said Hauraki United Drainage District the said drainage-works were being constructed by contractors under contracts made with the Horahia Drainage Board:

And whereas by section 15 of the Land Drainage Act 1908, the Hauraki United Drainage Board became liable for the payments to become due under such contracts:

And whereas the Hauraki United Drainage Board has let further contracts to be paid for out of the said loan:

And whereas the Hauraki United Drainage Board, out of its ordinary revenue and out of moneys borrowed by way of bank overdraft, has made payments on such contracts and generally in anticipation of raising the balance of the said loan-moneys:

And whereas such payments do not exceed the sum of 3,500 pounds:

And whereas there is no authority for the Hauraki United Drainage Board to raise the balance, 9,500 pounds, of the said loan:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or any other Act, all powers of the Horahia Drainage Board in respect of or in any way incidental or relating to the raising of the said balance of 9,500 pounds of the said loan shall for all purposes be deemed to have been transferred to the Hauraki United Drainage Board on the constitution of the Hauraki United Drainage District, and the said Hauraki United Drainage Board may, out of the proceeds of any part of the said balance hereafter raised by it, refund to its General Account moneys advanced thereout as aforesaid.
- (2) Any power with respect to debentures issued or to be issued for the purposes of the said loan of 15,500 pounds or any part thereof that would have been exercisable by the Horahia Drainage Board if it had continued in existence may be exercised by the Hauraki United Drainage Board.
- (3) Nothing in this section shall prejudice the rights of the Bank of New Zealand in respect of the debentures hypothecated or mortgaged to the said bank by the Horahia Drainage Board.

## **62 Making provision with respect to overdraft of Buckley Drainage Board**

Whereas by Order in Council dated 27 September 1926, and published in the *Gazette* of the 13th day of the same month, the area described in the First Schedule to that Order was included in the Buckley Drainage District (hereinafter referred to as the **district**) as constituted under the provisions of the Land Drainage Act 1908:

And whereas by Order in Council dated 12 September 1927, and published in the *Gazette* of the 15th day of the same month, the boundaries of the district were altered by excluding therefrom a part of the area included in the district as aforesaid:

And whereas on account of the said alterations in the boundaries of the district the Buckley Drainage Board (hereinafter referred to as the **Board**) was unable to classify the lands in the district for rating purposes nor to levy rates on such lands:

And whereas, in order to meet certain expenditure arising out of the said alterations of boundaries and to carry out certain works which became urgently



necessary on account of floods in the district, the Board has borrowed certain moneys temporarily, and proposes in like manner to borrow additional moneys for such purposes:

And whereas the moneys so borrowed and proposed to be borrowed do not in all exceed the sum of 1,550 pounds:

And whereas it is expedient to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Board shall be deemed with respect to moneys heretofore borrowed as aforesaid to have been lawfully empowered to borrow all such moneys, and may for such purposes as aforesaid borrow by way of bank overdraft not later than 31 March 1928, such additional moneys as may be necessary for the purposes aforesaid, but so that the total amount outstanding on that date in respect of all moneys borrowed under the authority of this section, whether before or after the passing of this Act, will not exceed the sum of 1,550 pounds.
- (2) Save as provided in subsection (5), the principal sum owing by the Board on the said 31 March 1928, in respect of all moneys borrowed as aforesaid up to that date shall be repaid by 7 equal payments out of its revenue, one such payment to be made in each year of the period of 7 years commencing on 1 April 1928, and ending on 31 March 1935.
- (3) For the purpose of providing the whole or any part of any such payment the Board may by resolution make and levy a special rate. Such special rate shall be a uniform rate over all rateable property in the Board's district.
- (4) All interest and any other charges in respect of any part of such principal sum for the time being outstanding shall be paid by the Board out of its ordinary revenue and not out of the proceeds of such special rate.
- (5) At any time within the period of 7 years referred to in subsection (2) the Board may borrow, by way of special loan under the Local Bodies' Loans Act 1926, in the same manner as for a public work, but without taking the steps described in sections 9 to 13 of that Act, an amount sufficient to repay such sum as is then outstanding, and shall apply the proceeds of such loan towards such repayment in lieu of making or continuing to make the yearly payments as set out in the said subsection (2).
- (6) Moneys borrowed as aforesaid by way of bank overdraft, whether before or after the passing of this Act, shall not at any time be taken into account in computing for the purposes of section 3 of the Local Bodies' Finance Act 1921–22, the maximum amount that may lawfully be borrowed by the Board or the amount that it may owe at the end of any year on its general or any separate account.

**63 Validating preparation of ratepayers lists of certain drainage districts**

Whereas it is provided, *inter alia*, by section 6 of the Land Drainage Act 1908 (hereinafter referred to as the **said Act**), as amended by section 10 of the Land Drainage Amendment Act 1913, that the Returning Officer of every Drainage Board shall on or before 31 August in every year make out a list, to be called the **ratepayers list**, containing the name of every person whose name appears on the valuation roll made under the Valuation of Land Act 1925 (hereinafter referred to as the **valuation roll**), as the occupier of any property within the district liable to be rated under the said Act (hereinafter referred to as **liable property**), and shall insert on such ratepayers list opposite the name of each person therein the amount at which his property is valued on the valuation roll:

And whereas in the case of each of the drainage districts mentioned in subsection (4) the Returning Officer prepared the ratepayers list for the year now current by inserting therein the name of every occupier of property within the district the whole or any part of which is liable to be rated under the said Act, and the total capital or unimproved value, as the case may be, as appearing on the valuation roll of the whole of that property (hereinafter referred to as the **rateable property**), and in certain cases a proportionate valuation of the liable property (hereinafter referred to as the **proportionate valuation**):

And whereas in certain cases a proportionate valuation has not been made in accordance with the provisions of the Valuation of Land Act 1925, but was made in manner following—that is to say, the Returning Officer estimated a valuation of the liable property bearing to the value of the rateable property the same proportion as the area of the liable property bears to that of the rateable property:

And whereas in the case of each of the said drainage districts mentioned in subsection (4), excepting the Te Rapa Drainage District, the ratepayers list prepared as aforesaid was signed by a Magistrate pursuant to section 8 of the said Act, and accordingly became the roll of ratepayers for the district:

And whereas in the case of the Te Rapa Drainage District the ratepayers list prepared as aforesaid was submitted to a Magistrate, but the Magistrate determined that the said list should contain a valuation of the classified areas made in accordance with the provisions of the Valuation of Land Act 1925, and in certain cases where objections had been lodged he altered the valuations as appearing on that list:

And whereas as a result of the said determination of the said Magistrate doubts have arisen as to the validity of the ratepayers lists prepared in the case of the drainage districts mentioned in subsection (4), and, as the case may be, of the rolls of ratepayers of those districts, and it is desirable to remove such doubts:

Be it therefore enacted as follows:

- (1) The ratepayers list prepared as aforesaid for the current year in respect of each of the drainage districts mentioned in subsection (4) shall be deemed to have

been properly prepared in accordance with section 6 of the said Act, and accordingly, after having been signed by a Magistrate pursuant to section 8 of the said Act, shall become or be deemed to have become the roll of ratepayers for such district.

- (2) Such roll shall be conclusive evidence of the persons named therein being ratepayers of the district and of the correctness of all valuations of their properties appearing thereon.
- (3) Any rate made or levied by the Board of each of the said drainage districts shall not be called in question by reason only of the fact that the ratepayers list of that district was prepared in the manner aforesaid.
- (4) The drainage districts to which this section relates are as follows: Aka Aka, Eureka, Freshfield, Hillside, Hungahunga, Kirikiriroa, Mangawara, Moutoa, Te Rapa, Uapoto, Waiatarua, Waitoa, and Woodlands Drainage Districts.

#### **64 As to overdraft authority of Mangapu Drainage Board**

- (1) The authority conferred on the Minister of Internal Affairs by subsection (5) of section 3 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 Mangapu Drainage Board to borrow by way of bank overdraft until 31 March, 1928.
- (2) In the case of the said Drainage Board the limits imposed by subsection (2) of the aforesaid section 3 shall not apply with respect to any year prior to the year beginning on 1 April 1929.

#### *River boards*

#### **65 Validating certain expenditure by Waimatuku River Board**

Whereas the Waimatuku River Board (hereinafter referred to as the said **Board**) was authorised by a poll of ratepayers taken on 8 July 1920, to raise a special loan of 8,000 pounds under the Local Bodies' Loans Act 1913, for the purpose, *inter alia*, of improving the bed of the Waimatuku River by deepening, straightening, and widening the same:

And whereas the said Board has in good faith out of the proceeds of such special loan expended the sum of 319 pounds 10 shillings and 10 pence on the construction of bridges over a new channel made by the said Board for the purpose of straightening the course of the said river:

And whereas the said Board had no authority so to expend any of the said loan-moneys:

And whereas it is desirable that such expenditure should be validated:

Be it therefore enacted as follows:

The payment by the said Board out of the proceeds of such special loan as aforesaid of the sum of 319 pounds 10 shillings and 10 pence on the construction of bridges over the Waimatuku River is hereby validated.

**66 Authorizing loan of £2,000 to Mangawara River Board, and validating conditions of agreement**

Whereas the Mangawara River Board (hereinafter referred to as the **Board**) was duly authorised on 23 March 1923, to borrow the sum of 12,000 pounds for the purpose of carrying out improvement works on the Mangawara Stream from its junction with the Tauhei Stream up-stream to the “Confiscation Line”:

And whereas one of the proposals submitted to the ratepayers—namely, a proposal to borrow the sum of 2,000 pounds for generally improving the Mangawara Stream from Littlewood’s Landing to the junction of the Tauhei Stream—was rejected, and it became necessary for the Board to construct such works out of revenue, thereby causing considerable delay:

And whereas it was expedient to avoid such delay, and a sum of 2,000 pounds, all recoverable, was accordingly appropriated out of the Public Works Fund for the financial year ended on 31 March 1924, as a loan to the Board for the construction of such last-mentioned works:

And whereas the Minister of Public Works agreed, subject to appropriation by Parliament, to a subsidy being granted towards the Board’s river-improvement works:

And whereas by agreement dated 12 August 1924 (hereinafter referred to as the **original agreement**), between the said Minister, for and on behalf of His Majesty the King, and the Board provisions were made with respect to the loan and repayment of the said sum of 2,000 pounds and the appropriation of the said subsidy:

And whereas the said agreement was amended by further agreement between the said parties dated 26 September 1927 (hereinafter referred to as the **amending agreement**):

And whereas there is doubt of the validity of the proposals, conditions, and provisions contained in the original agreement and the amending agreement:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the original agreement and the amending agreement (the said agreements being recorded on file numbered PW 48/174 in the Department of Public Works at Wellington), and the proposals, conditions, and provisions therein contained, are hereby validated and shall be binding on the parties thereto.
- (2) The Mangawara River Board may, notwithstanding anything to the contrary in any Act, make and levy in any year a separate rate of such amount as may be necessary to provide the portion of the said sum of 2,000 pounds repayable in that year pursuant to the said agreements or any instalment of interest thereon.

**67 Special provision with respect to assets and liabilities of Waikato River Board**

Whereas by virtue of an award made under section 6 of the River Boards Amendment Act 1910, on 28 February 1927 (hereinafter referred to as the **said award**), certain liabilities of the Waikato River Board (hereinafter referred to as the **River Board**) were taken over by the County of Franklin upon conditions requiring the counties of Waikato and Raglan to contribute towards the discharge of the said liabilities:

And whereas no provision exists whereby a loan could be raised to discharge such liabilities:

And whereas it is desirable that provision be made in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The County Councils of Franklin, Raglan, and Waikato may raise a loan in the manner provided by the Local Bodies' Loans Act 1926 (hereinafter referred to as the **said Act**), for a sum not exceeding 9,750 pounds, as a joint loan under Part 2 of the said Act, without further authority than this section, and without taking the steps prescribed by sections 9 to 13 of the said Act.
- (2) Each of the said County Councils shall be deemed to have taken all the steps required to raise a joint loan under Part 2 of the said Act over that portion of its district (which is hereby declared to be a special-rating area) situated within the boundaries of the Waikato River District as it existed before the issue of the Proclamation extending the boundaries of the said district dated 4 February 1921, and gazetted on the tenth day of the same month (hereinafter referred to as the **river district**), and to have agreed to the raising of the said loan in the proportions of 40 per centum to Waikato County Council, 24 per centum to Raglan County Council, and 36 per centum to Franklin County Council, and to the appointment of the Franklin County Council as the principal local authority.
- (3) The loan hereby authorised and interest thereon may, at the discretion of the principal local authority, be repaid by half-yearly instalments over such term of years not exceeding 50 as may be agreed upon by the principal local authority and the lender, and in such case paragraphs (b) and (c) of section 62 of the said Act shall not apply.
- (4) The principal local authority, upon receipt of the principal moneys hereby authorised to be raised, shall apply the same in the manner following and not in the manner set out in paragraph (h) of section 64 of the said Act:
  - (a) in repayment of the loan of 6,000 pounds advanced to the River Board by the Australian Mutual Provident Society, with interest and expenses incurred by that society:
  - (b) in payments of the amounts due to the National Bank of New Zealand for advances and interest on the River Board's General Account and on its Development and Flood-prevention Loan Account:

- (c) in payment of the general debts and liabilities of the River Board, including payment to the County Councils thereto entitled of the amounts to credit of any special interest to trust account as at the date of the abolition of the river district:
  - (d) in part payment, to the extent of 177 pounds 4 shillings and 5 pence, with interest thereon from 30 September 1926, of the debt to the National Bank of New Zealand for advances to the Maungatawhiri Loan Account.
- (5) For the purpose of meeting further liabilities imposed upon the Franklin County Council by the said award that Council may raise a loan not exceeding 1,650 pounds over the Maungatawhiri Subdivision of the river district under the provisions of the said Act, but without taking the steps prescribed by sections 9 to 13 thereof, and without further authority than this section; and shall apply the proceeds thereof in repayment of the debentures of the loans of 500 pounds and 720 pounds over the Maungatawhiri Subdivision, and interest thereon to the date of repayment.
- (6) For the purpose of meeting further liabilities imposed upon it by the said award the Franklin County Council may raise a loan not exceeding 1,100 pounds over the Koheroa Subdivision of the river district under the provisions of the said Act, but without taking the steps prescribed by sections 9 to 13 thereof, and without further authority than this section; and shall apply the proceeds thereof in repayment of the debentures of the Koheroa loan of 625 pounds and interest thereon to the date of repayment, and in repayment to the extent of 220 pounds 10 shillings, with interest thereon from 30 September 1926, of the amount due to the National Bank of New Zealand for advances to the Maungatawhiri Loan Account.
- (7) The Franklin County Council may, by resolution gazetted, decide to pay the interest and sinking fund for the first year out of the proceeds of the several loans hereby authorised.
- (8) Each of the County Councils of Franklin, Raglan, and Waikato shall be deemed to have over that portion of the counties of Franklin, Raglan, and Waikato respectively which was included in the river district all the powers of a River Board pertaining to the classification of lands and the levying of rates, save that the power to levy a River Board general rate shall be exercised only to provide funds for the maintenance of works carried out by the River Board; and such general rates may be made and levied in the same manner as the general rates of a County Council are made and levied.
- (9) Each of the County Councils of Franklin, Raglan, and Waikato may annually transfer to its General Account from the Interest Account kept by it in respect of each of the several loans raised as aforesaid such sum as in the opinion of the Audit Office represents the office, clerical, legal, and other expenses of the Council, of any nature whatsoever, in carrying into effect the terms of the said award and of this section.

*Railway boards*

**68 Section 65, Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, amended**

Whereas the Ohai Railway Board is authorised by section 65 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, to overdraw its bank account to the amount of 25,000 pounds; but the said section of the said Act requires that the said Board shall, on or before 31 March 1928, reduce its bank overdraft to the limit prescribed by the general law relating to Railway Boards then in force:

And whereas it is desirable that the period within which the said Board may exercise the powers given by the said section should be extended to 31 March 1933:

Be it therefore enacted as follows:

Section 65 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, is hereby amended by omitting the words “nineteen hundred and twenty-eight” wherever the same appear in that section, and substituting the words “nineteen hundred and thirty-three”.

**69 Authorizing Ohai Railway Board to expend money on advertising in and purchasing copies of the book called “The Dominion of New Zealand”**

The Ohai Railway Board is hereby authorised to expend the sum of 210 pounds on advertising in and purchasing copies of the book entitled “The Dominion of New Zealand”.

**70 Authorizing Ohai Railway Board to make grant not exceeding £100 towards defraying cost of Southland Provincial Court at New Zealand and South Seas Exhibition**

- (1) The Ohai Railway Board, being a Railway Board constituted under the Local Railways Act 1914, is hereby empowered to pay out of its Railway Fund such sum as it thinks fit, not exceeding 100 pounds, towards defraying the cost incurred in respect of the Southland Provincial Court at the New Zealand and South Seas Exhibition held at Dunedin in the years 1925 and 1926.
- (2) Any payment under this section may be made to the executive committee of the Southland Provincial Court aforesaid, or to any person who satisfies the Board that he has authority to receive moneys on behalf of that committee.

*Tramway boards***71 Authorizing Christchurch Tramway Board to make a contribution towards cost of bridge over Avon River, and to raise a loan**

Whereas the New Brighton Borough Council desires to construct a bridge over the River Avon in line with Seaview Road, New Brighton, and Page's Road, Bexley, in lieu of the bridge now there existing:

And whereas the arrangement made in connection with the construction of such proposed new bridge included the apportionment under the provisions of section 119 of the Public Works Act 1908, of the cost of construction of such new bridge among the New Brighton Borough Council, the Christchurch City Council, and the Heathcote County Council:

And whereas it has subsequently been agreed by and between the said New Brighton Borough Council, Christchurch City Council, and Heathcote County Council that such proposed new bridge should be constructed at a higher level than originally proposed:

And whereas it is proposed that the Christchurch Tramway Board (hereinafter called the **Board**) should contribute to the extra cost of constructing such bridge at such higher level the sum of 1,500 pounds, but no legislative provision exists authorizing such contribution:

And whereas it is desirable that authority should be given to the Board to make such contribution:

And whereas it will be necessary for the Board to expend further moneys in removing its tramway-line at and about the existing bridge and laying a double line at a different level to conform to the requirements of the proposed new bridge:

And whereas it is desirable that the Board should be authorised to borrow the moneys required for all such purposes by special order and without taking the steps described in sections 9 to 13 of the Local Bodies' Loans Act 1926:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised to contribute to the extra cost occasioned by the construction at a higher level of the bridge proposed to be constructed over the River Avon in line with Seaview Road, New Brighton, and Page's Road, Bexley, a sum not exceeding 1,500 pounds.
- (2) It shall be lawful for the Board, by special order and without taking the steps described in sections 9 to 13 of the Local Bodies' Loans Act 1926, to raise a special loan for the purpose of making such contribution and of removing its existing tram-line and laying a double line at a different level to conform to the requirements of the proposed new bridge.
- (3) For the purposes of such loan a special-rating area may be created by the Board consisting of a part of the Christchurch Tramway District defined for that pur-



pose, and such loan may be raised in respect of such defined part of the said district.

- (4) The account of the special-rating area shall be kept separate and distinct from the accounts of the general tramway undertaking of the Board, and the interest and sinking fund in connection with the said special loan may be paid out of the special rate made and levied for the purposes of the said special loan without any reference to the accounts of the general undertaking of the Board.

*Education authorities*

**72 Section 115, Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, repealed**

Section 115 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, is hereby repealed.

**73 Vesting a certain area of land in the Otago Boys' and Girls' High Schools Board**

Whereas the Otago Boys' and Girls' High Schools Board (hereinafter referred to as the **said High Schools Board**) by a transfer dated 9 April 1888, and registered as Number 18260 in the Land Registration District of Otago, transferred to John Robson Section 37, Block V, Strath Taieri Survey District, being part of the land vested in the said High Schools Board:

And whereas the said John Robson, by a mortgage registered as Number 13065 in the said district, mortgaged the said section to secure the payment of 138 pounds 9 shillings and 9 pence, being balance of the purchase-money and 36 pounds being interest due under 14 promissory notes:

And whereas the said John Robson, by mortgage registered as Number 13066 in the said district, mortgaged the said section to Elspeth Duncan to secure the payment of 25 pounds:

And whereas the said John Robson shortly afterwards disappeared without having paid any part of the principal sums secured by the said mortgages or any interest thereon:

And whereas the said Board is now and has been for many years in the position of a mortgagee in possession of the said section:

And whereas by a lease which expires on 30 April 1934, the said High Schools Board leased the said section, together with other lands, to Andrew Carruthers:

And whereas it is desirable that the title to the said area of land should be vested in the said High Schools Board freed and discharged from the said mortgage to Elspeth Duncan:

And whereas the representatives of the said Elspeth Duncan have consented to the said section being re-vested in the said High Schools Board released from the mortgage to her:

Be it therefore enacted as follows:

Section 37, Block V, Strath Taieri Survey District, is hereby vested in the said High Schools Board released and discharged from the said mortgages registered as Number 13065 and Number 13066 respectively.

**74 Placing New Plymouth Technical School under control of New Plymouth High School Board**

Whereas the New Plymouth High School Board (hereinafter referred to as the **Board**) constituted under the New Plymouth High School Act 1889 (hereinafter referred to as the **said Act**), controls the Boys' High School and the Girls' High School at New Plymouth:

And whereas there is also a school known as the New Plymouth Technical School carried on under a Board of Managers, the Education Board of the District of Taranaki being the controlling authority thereof:

And whereas it is desirable that the work of the 3 schools should be carried on under the Board reconstituted as hereinafter set out:

And whereas it is also desirable that the other arrangements as hereinafter set out should be carried into effect:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said Act or any other Act, the Board shall after the commencement of this Act consist of 10 members, appointed or elected as follows:
  - 3 members appointed by the Governor-General:
  - 2 members elected by the parents of the children attending the schools under the control and management of the Board:
  - 1 member appointed by the Education Board of the District of Taranaki:
  - 1 member appointed by the New Plymouth Borough Council:
  - 1 member appointed by the Taranaki County Council:
  - 1 member elected by associations of employers in local industries:
  - 1 member elected by associations of employees in local industries.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*
- (7) *[Repealed]*
- (8) Notwithstanding the variation of its constitution effected pursuant to this section, the New Plymouth High School Board shall at all times hereafter continue to be the same body corporate as that constituted by the said Act.

- (9) The New Plymouth Technical School is hereby placed under the control of the Board, which is hereby declared the controlling authority thereof in lieu of the Education Board of the District of Taranaki, and the corporation of the Board of Managers of the said technical school is hereby dissolved.
- (10) All property of the said Board of Managers shall vest in the Board, and all rights and liabilities of the Board of Managers shall become the rights and liabilities of the Board.
- (11) The Governor-General may by Order in Council direct what property of the Education Board of the District of Taranaki held or used in respect of the said technical school as the former controlling authority thereof, and what rights and liabilities of the said Education Board in respect of the said school, shall pass to or vest in the Board, and such property shall vest in and such rights and liabilities shall pass to the Board as from a date to be named in the Order in Council.
- (12) The Governor-General may by the same or any other Order in Council authorise and empower the Board to have the use and control of the buildings used for the purposes of the technical school, and of any equipment, plant, and other chattels used or connected therewith, for such term or terms and upon such terms and conditions as are set out in the Order in Council; and the Education Board of the District of Taranaki shall give effect to such Order in Council accordingly.
- (13) The New Plymouth High School Act 1889, is hereby amended by repealing sections 4 and 5 thereof.

Section 74(2): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

Section 74(3): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

Section 74(4): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

Section 74(5): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

Section 74(6): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

Section 74(7): repealed, on 20 October 1966, by section 2(2) of the New Plymouth High School Amendment Act 1966 (1966 No 78).

## **75 Vesting in Hastings High School Board site formerly occupied by technical School**

Whereas the land hereinafter described was acquired by the Hastings Borough Council, the Hawke's Bay County Council, and the Havelock North Town Board pursuant to the authority conferred by section 31 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919, and was ves-

ted in the Education Board of the District of Hawke's Bay as a site for a technical high school, which school was duly established:

And whereas in the interests of education in the district it was deemed advisable to replace the technical high school by a secondary school:

And whereas the Minister of Education, with the approval of those concerned, and in exercise of his powers under the Education Act 1914, disestablished the technical high school and established a secondary school under a governing body known as the Hastings High School Board, which school is being carried on in the buildings and on the site formerly used for the technical high school:

And whereas it is desirable that the site of the school should be vested in the Hastings High School Board:

Be it therefore enacted as follows:

- (1) The land hereinafter described is hereby vested without further assurance and transfer, as from the date of the passing of this Act, in the Hastings High School Board constituted under the Education Act 1914, freed from any trust for technical-high-school purposes, as a site for a secondary school.
- (2) The land to which this section relates is particularly described as follows:

All those pieces of land in the Provincial District of Hawke's Bay, situate in the Borough of Hastings, containing in the aggregate 19 acres 1 rood 38 and eight-tenths perches, be the same a little more or less, being, firstly, all that parcel of land situate as aforesaid in the said Provincial District of Hawke's Bay, containing by admeasurement 5 acres 3 roods 14 perches, be the same a little more or less, being part of the Heretaunga Block 28N, and being Suburban Section 38 on the plan of the Town of East Hastings deposited in the office of the Registrar of Deeds at Napier under Number 83A; secondly, all that parcel of land situate as aforesaid, containing by admeasurement 11 acres and 12 and three-tenths perches, be the same a little more or less, being Farm Lot or Section 42 on the plan of East Hastings deposited as aforesaid under Number 83B; thirdly, all that parcel of land situate as aforesaid, containing by admeasurement 2 acres 2 roods 12.5 perches, more or less, being part of Suburban Section 39 on the said deposited plan numbered 83A: bounded towards the north-west by said Section 38 firstly above described, 578.3 links; towards the north-east by Section 36 on said plan, 450.7 links; towards the south-east by other part of said Section 39, 567 links; and towards the south-west by part of the land secondly above described, 450.7 links: the above-described pieces of land being all those lands comprised in deeds of conveyance dated respectively 30 July 1920, and 2 August 1920, and registered in the Deeds Register Office at Napier under Numbers 58453 and 58460 respectively.

*Affecting 2 or more classes of local authorities*

- 76 Authorizing Waitemata County Council, New Lynn Town Board, Glen Eden Town Board, and Henderson Town Board to raise supplementary**

**loans for payment of their respective contributions to cost of a main arterial highway**

Whereas section 7 of the Auckland City and Auckland Museum Empowering Act 1924, authorised the Corporation of the City of Auckland (hereinafter called the **City Corporation**) to lend, *inter alia*, to the Waitemata County Council, the New Lynn Town Board, the Glen Eden Town Board, and the Henderson Town Board (hereinafter collectively referred to as the **local authorities**) and the local authorities to borrow such sums of money not exceeding with the amount lent to the other local body mentioned in the said section the sum of 25,000 pounds for the purpose of enabling the local authorities to contribute towards the cost of the formation, concreting, and improving of a main arterial highway within the district of the local authorities:

And whereas the local authorities had been severally required under the provisions of section 19 of the Main Highways Act 1922, to contribute towards the work of the formation, concreting, and improving, being a reconstruction of the said main arterial highway, which work was undertaken by the City Corporation under agreement with the Main Highways Board and with the local authorities upon estimates made by the City Corporation:

And whereas the estimates of the amount payable by each of the local authorities as its contribution towards the cost of forming, concreting, and improving the said main arterial highway were as follows-that is to say, the Waitemata County Council, 6,000 pounds; the New Lynn Town Board, 5,000 pounds; the Glen Eden Town Board, 1,906 pounds; and the Henderson Town Board, 5,000 pounds:

And whereas each of the local authorities duly borrowed moneys for the purpose of paying its contribution towards the cost of such work:

And whereas the work of the formation, concreting, and improving of the said main arterial highway within the districts of the local authorities was completed at a cost in excess of the respective estimates:

And whereas the amounts of the said several loans authorised and raised by the local authorities respectively for the purpose of payment of their respective proportions of the cost of such work have been found insufficient for such undertaking:

And whereas the required amounts in excess of such loans were as follows-that is to say, in respect of the Waitemata County Council, an excess of 3,750 pounds; in respect of the New Lynn Town Board, an excess of 1,089 pounds 9 shillings and 1 penny (including costs of raising loan, interest, and sinking fund for the first year); in respect of the Glen Eden Town Board, an excess of 785 pounds; and in respect of the Henderson Town Board, an excess of 2,890 pounds:

And whereas by section 19 of the Local Bodies' Loans Act 1926, if the amount of any loan authorised to be raised under that Act or under any former Act re-

lating to local bodies' loans is found to be insufficient to complete the undertaking in respect of which it was raised the local authority may, for the purpose of completing the undertaking, borrow from the same or any other lender a further sum not being greater than one-tenth of the amount originally authorised by the ratepayers, and in any such case it shall not be necessary to give any notice or take a further poll of the ratepayers:

And whereas it is desirable to authorise each of the local authorities to raise by way of supplementary loan the respective sums representing such excesses as aforesaid over the amounts of their respective loans without giving any notice or taking any further poll of the ratepayers:

Be it therefore enacted as follows:

- (1) Each of the local authorities respectively may in respect of such excesses as aforesaid over the respective loans raised exercise all the powers of section 19 of the Local Bodies' Loans Act 1926, in as full and ample a manner as if the said section contained no limitation of the amount which might be raised by way of supplementary loan:

provided that nothing herein shall authorise any of the local authorities respectively to raise by way of supplementary loan a greater sum than is represented by the amount of such respective excesses as aforesaid.

- (2) Any special rate made by the respective local authorities for securing the payment of interest and other charges in respect of any such loan shall be valid to all intents and purposes.
- (3) The Glen Eden Town Board may out of the proceeds of such supplementary loan refund to its General Account any moneys paid thereout before the passing of this Act to meet interest, cost, and sinking fund in respect of the original loan raised for the purpose of paying its contribution as aforesaid.

**77 Authorizing Buller County Council and Westport Borough Council to contribute towards experiments by Cawthron Institute on pakihi land**

The Buller County Council and the Westport Borough Council are hereby authorised each to pay to the Cawthron Institute a sum not exceeding 50 pounds in each year during the period ending on 31 March 1932, the first payment to be made during the current financial year, as a contribution toward a scientific investigation by the Institute of the utilization of certain lands in the Buller County:

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

**78 Vesting certain land of Ashley River Trust in the Rangiora Borough Corporation as a reserve**

Whereas by subsection (1) of section 19 of the Ashley River Improvement Act 1925, the bed of the Ashley River was, save as expressly provided therein, vested in the Ashley River Trust as an endowment:

And whereas it is desired to vest a portion of such land in the Corporation of the Borough of Rangiora:

Be it therefore enacted as follows:

- (1) The vesting of the land hereinafter described in the Ashley River Trust is hereby cancelled, and such land is hereby vested in the Corporation of the Borough of Rangiora as a reserve for planting purposes, subject to the right of the said trust to enter and carry out thereon any of the works authorised by section 15 of the said Act.
- (2) The land to which the last preceding subsection relates is particularly described as follows:

All that land in the Canterbury Land District, containing by admeasurement 4 acres 1 rood 23 perches, more or less, being part of Reserve 3036 situated in Block VI, Rangiora Survey District, and bounded as follows: towards the north by Reserves 3503, 4136, and 4137, 225.5, 408.9, and 1499.8 links; towards the north-east and east by other part of Reserve 3036, 152.4 and 86.2 links respectively; towards the south by a road-line, 1603.1, 399.1, and 218.0 links; and again towards the west by other part of Reserve 3036, 200 links: as the same is more particularly delineated on the plan marked PWD 69240, deposited in Head Office, Department of Public Works, at Wellington, and thereon bordered red.

**79 Special provision in respect of union of City of Auckland and Orakei Road District and future control of Orakei Garden Suburb**

Whereas a petition has been presented to the Orakei Road Board (hereinafter referred to as the **Board**), signed by a majority of the electors within the Orakei Road District (hereinafter referred to as the **district**), praying that the district be united with the City of Auckland (hereinafter referred to as the **city**):

And whereas the district comprises an area of land now or heretofore owned by the Crown known as the Orakei Garden Suburb, such area being more particularly described in subsection (11):

And whereas the Auckland City Council (hereinafter referred to as the **Council**) and the Board have each resolved that such union should take place subject to certain conditions as hereinafter set out:

Be it therefore enacted as follows:

- (1) On receipt of petitions, under the Seals of the respective Corporations, from the Council and from the Board praying that the city and the district be constituted 1 united borough under the name of the City of Auckland the Governor-Gener-

al may by Proclamation unite the city and district accordingly in terms of section 135 of the Municipal Corporations Act 1920, in all respects as if a poll of the electors of the district had been taken on such proposal and had resulted in favour thereof; and in such case 1 member of the Board (to be chosen by the Board) shall be a Councillor of that city until the next general election of Councillors thereof.

- (2) Notwithstanding anything to the contrary in any Act, after the union of the city and the district any special rates heretofore or hereafter made by the Council as security for or for the payment of the annual charges on any loan or loans shall not be levied on the area comprised in the district until 50 per centum of the saleable land in the Orakei Garden Suburb, excluding roads and reserves, has been sold by the Crown and possession thereof given to the purchasers, but otherwise such area may be rated in all respects as an integral part of the city.
- (3) Subject to the provisions of subsection (9) the Minister of Lands shall, by notice published in the *Gazette*, declare the date on which the said 50 per centum of land was sold and possession thereof given.
- (4) On the publication in the *Gazette* of the notice aforesaid the area now comprising the district shall become liable for the levy of all special rates made by the Council and which would have been leviable on such area but for the provisions of subsection (2), including a proportion for the unexpired portion of the then current year, as from the date mentioned in such notice.
- (5) On the publication in the *Gazette* of the notice aforesaid the Crown shall be deemed to have lent to the Council and the Council shall be deemed to have lawfully borrowed from the Crown the sum of 200,000 pounds, and with respect thereto the following provisions shall apply:
  - (a) such loan shall be deemed to have been lawfully raised by the Council in terms of the Local Bodies' Loans Act 1926, and the provisions of the Act shall, with the necessary modifications, apply thereto. The rate of interest payable on such loan shall be five and one-quarter per centum per annum, the term thereof shall be 30 years, and the Council shall provide a sinking fund of one and one-quarter per centum per annum.
  - (b) for the purpose of securing the repayment of the said loan the Council shall appropriate and pledge a special rate in terms of section 20 of the Local Bodies' Loans Act 1926, and may in manner provided by that Act make and levy a special rate to provide for the payment of interest or of interest and sinking fund, as the case may be (or the Council may pay the same out of a special rate made under section 7 of the Auckland City Loans Consolidation and Empowering Act 1921).
  - (c) all payments to be made to the Crown by the Council shall be paid to the Receiver of Land Revenue of the North Auckland Land District, and shall be paid by the Receiver to the Public Account to the credit of the Native Land Settlement Account.



- (6) The Crown shall with all reasonable despatch carry out and complete at its own cost the following works and undertakings:
- (d) the formation and completion of a road from the road known as the Waterfront Road to Whakatakataka Bay, and thence through the district to connect with an existing main road in the district:
  - (e) the formation and completion of a road from the Waterfront Road to the eastern boundary of the Crown's property at Mission Bay along the sea front:
  - (f) the formation and completion of all roads shown on the sub-divisional plan of the Orakei Model Suburb up to the standard usually required by the Council, including provision of sewerage and water:
  - (g) the erection and completion of a new bridge across the Orakei Channel, towards the cost of which the Council shall pay and contribute one-half.
- (7) The plans and specifications for the works mentioned in paragraphs (d), (e), and (g) of the last preceding subsection shall be such as are agreed upon between the Minister of Lands and the Council, or in the event of their being unable to agree as may be fixed by a Commissioner to be appointed by the Governor-General on the request of either the said Minister or the Council, in terms of and in accordance with the provisions of section 119 of the Public Works Act 1908, which section shall, with the necessary modifications, extend and apply accordingly.
- (8) For the purpose of providing the amount to be paid by the Council as its half of the cost of the erection of the aforesaid new bridge over the Orakei Channel the Council may raise a special loan under the Local Bodies' Loans Act 1926, but without taking the steps prescribed by sections 9 to 13 of that Act, over the whole or any portion of its district.
- (9) The notice mentioned in subsection (3) shall not be given or published until the works and undertakings mentioned in subsection (6) have been duly completed or a sum of not less than 250,000 pounds has been expended by the Crown upon the same.
- (10) It shall be lawful for the Minister of Lands and the Council to agree to modifications of the agreements and provisions herein contained, and to enter into and carry out supplementary agreements for such purpose, or to provide for any matters incidental to or arising out of these provisions.
- (11) The area of land comprising the Orakei Garden Suburb is more particularly described as follows:
- All that area in the North Auckland Land District bounded towards the north generally by the Waitemata Harbour from Hobson Bay to the north-western corner of Section 40A, Parish of Waitemata, Rangitoto Survey District; thence towards the east by the said Section 40A and Section 39A to Purewa Creek; thence towards the south generally by Purewa Creek and Orakei Creek; and towards the west generally by Hobson Bay aforesaid.

**80 Respecting construction and apportionment of cost of bridge over Manawatu River and approach roads thereto**

Whereas the bridge over the Manawatu River on the Foxton-Shannon Main Highway was destroyed by flood:

And whereas it was deemed necessary to proceed with the erection of a new bridge to take its place without waiting for the provisions of section 7 of the Main Highways Amendment Act 1925, and of section 119 of the Public Works Act 1908, to be complied with:

And whereas the construction of the new bridge has been commenced and new approach roads thereto have been located (the said approach roads being more particularly delineated on plan PWD 70268, deposited in the office of the Main Highways Board at Wellington, and thereon coloured red), and the Manawatu County Council, the Horowhenua County Council, the Foxton Borough Council, and the Shannon Borough Council have agreed to contribute towards the cost of the said bridge and approach roads in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The cost of the said bridge shall be borne in the following proportions:
  - (a) by the Main Highways Board, (i) one-half of such cost up to 10,000 pounds, (ii) three-fifths of so much of the cost as exceeds 10,000 pounds but does not exceed 20,000 pounds, (iii) two-thirds of so much of the cost as exceeds 20,000 pounds.
  - (b) the balance of the cost shall be borne by the Foxton Borough Council, the Shannon Borough Council, and the Manawatu and Horowhenua County Councils in the proportions of one-twelfth, one-twelfth, five-twelfths, and five-twelfths respectively:

provided that if the local authorities' proportions of the cost of the bridge exceed 10,200 pounds such excess shall be borne equally by the Manawatu and Horowhenua County Councils.
- (2) The cost of the new approach road situate within the Manawatu County shall be provided in manner as follows: Main Highways Board, fifty per centum; Manawatu County Council, fifty per centum.
- (3) The cost of the new approach road situate within the Horowhenua County shall be provided in manner as follows: Main Highways Board, fifty per centum; Horowhenua County Council, 50 per centum.
- (4) The cost of the new approach road situate within the Shannon Borough shall be borne in manner as follows: Shannon Borough Council, 500 pounds; Horowhenua County Council, 724 pounds; the Main Highways Board, the balance of such cost in excess of the sum of these 2 amounts.
- (5) The Main Highways Board shall be the constructing authority in respect of the new bridge and the new approach road situate within the Horowhenua County and the Shannon Borough.

- (6) The Manawatu County Council shall be the constructing authority in respect of the new approach road situate within the said county.
- (7) Any contribution hereby required to be made as aforesaid by the said Councils shall be paid out of the funds of the said Councils into the Construction Fund of the Main Highways Board within a period of 1 month after demand in writing made by or on behalf of the said Board.
- (8) This section shall have the same effect as and shall be deemed to be a warrant under section 119 of the Public Works Act 1908, and the provisions of that section shall apply accordingly.

*Miscellaneous*

**81 Providing for dissolution of Waipu Public Library Institution, and disposal of assets, etc**

Whereas the Waipu Public Library Institution, incorporated under the Public Libraries Powers Act 1875, is the owner of all that piece of land in the Provincial District of Auckland containing by admeasurement 32 perches, more or less, situated in the Parish of Waipu, and being part of Allotment 21 of the said parish, bounded as appears in a certain deed of conveyance dated 10 October 1881, and registered in the Deeds Register Office at Auckland under Number 72329:

And whereas such land is expressed by the said deed of conveyance to be held by the said institution upon trust for the site of a public library and literary institute:

And whereas a building was erected on the said site, and such building was recently destroyed by fire:

And whereas the insurance moneys in respect of the building and contents are held by certain persons in trust pending a proper disposition of the same:

And whereas it is impossible to control effectively the affairs of the said library owing to the trustees being now deceased and there being no legal representatives of such trustees:

And whereas it is desired to make provision for vesting the said land and the said moneys in an association (to be known as the Waipu Public Coronation Hall and Library Association) which it is proposed to incorporate under the Incorporated Societies Act 1908:

Be it therefore enacted as follows:

- (1) The Waipu Public Library Institution, incorporated under the Public Libraries Powers Act 1875, is hereby dissolved, and the Registrar of the High Court at Auckland is hereby empowered and directed to note such dissolution on the Court record of the incorporation of the institution.
- (2) The Governor-General may, by Warrant under his hand, vest the land hereinbefore described and formerly held by the said Waipu Public Library Institution

in any society incorporated under the Incorporated Societies Act 1908, for the purpose of establishing and maintaining a public hall and library at Waipu, in trust as a site for a public hall and library, and the Registrar of Deeds for the Deeds Registration District of Auckland shall thereupon make such entries in the register as may be necessary to give full effect to this subsection.

- (3) Any moneys formerly belonging to the said Waipu Public Library Institution and now held in trust by any persons shall continue to be held by such persons pending the vesting of the site as aforesaid, and shall then be paid over to the society in which the site is vested. The said moneys shall be applied first in discharging any liabilities of the said Waipu Public Library Institution hereby dissolved, and then in or towards the erection of a hall and library on the said site or towards the maintenance of such hall and library.

Section 81(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

**82 Authorizing Winton Agricultural and Pastoral Association to dispose of its present showground and to expend proceeds in improvements to Winton Domain**

Whereas by notice published in the *Otago Provincial Gazette* of 19 February 1873, the land described in subsection (3) was reserved for the use of the Winton Agricultural and Pastoral Association, and is now held by the said association in trust for the purposes for which it was established:

And whereas the said land is not wholly suitable for show purposes, and it is desirable that it should be sold and the proceeds expended in effecting such improvements to the Winton Domain as may be approved by the Winton Domain Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Agricultural and Pastoral Societies Act 1908, or in any other Act, the Winton Agricultural and Pastoral Association may sell the land described in subsection (3), and may expend the proceeds of such sale in effecting such improvements to the Winton Domain as may be approved by the Winton Domain Board.
- (2) The land shall be sold by public auction either in lots or as a whole, and upon such terms and subject to such conditions as to payment or otherwise as the association thinks fit; and the said association is hereby authorised to transfer the same to a purchaser or purchasers, and for the purposes aforesaid may, if it thinks fit, subdivide the said land into lots for sale.
- (3) The land hereby authorised to be sold is particularly described as follows:

All that area in the Southland Land District containing by admeasurement 5 acres 1 rood 27 perches, more or less, being Section 6, Block VI, Town of East Winton, and being all the land comprised in certificate of title, Volume XLVI, folio 250, Southland Registry.

**83 Authorizing Waikato Agricultural and Pastoral Association to transfer certain land to Hamilton Borough Corporation**

Whereas the Waikato Agricultural and Pastoral Association is registered as proprietor of an estate in fee-simple in all that piece of land containing 12 acres 3 roods 22.5 perches, more or less, being Lot 1 on a plan deposited in the Land Registry Office at Auckland under Number 15061 of the subdivision of Allotment 216A and parts of Allotments 215 and others of the Parish of Kirikiriroa, and being part of the land comprised and described in certificate of title, Volume 135, folio 87, Auckland Registry:

And whereas the said association desires to transfer the said land by way of gift to the Corporation of the Borough of Hamilton:

Be it therefore enacted as follows:

The Waikato Agricultural and Pastoral Association is hereby authorised and empowered to transfer the said land by way of gift to the Corporation of the Borough of Hamilton to be held in trust for the purposes of a recreation reserve.