

"The Sumner Borough Council, being the local authority having control of Heberden Avenue, and Government Road, now known as Ocean View Terrace, hereby resolves that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to that portion of Heberden Avenue extending from the said Government Road to Ocean View Terrace, nor to that portion of the said Government Road extending from Heberden Avenue to the Sumner-Lyttelton Road, such portions of road being shown pink on the attached plan";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the south-eastern and southern sides of the portion of Heberden Avenue or the north-western side of the portion of Government Road (Ocean View Terrace) (described in the Schedule hereto), within a distance of thirty-three feet from the centre-lines of the said portions of streets.

#### SCHEDULE.

THE south-eastern and southern sides of that portion of Heberden Avenue and the north-western side of that portion of Government Road (Ocean View Terrace) situated in the Canterbury Land District, Borough of Sumner, which abut on part R.S. 204, Borough of Sumner. As the said portions of streets are more particularly delineated on the plan marked P.W.D. 68267, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured pink.

F. D. THOMSON,  
Clerk of the Executive Council.

(P.W. 51/730.)

*The South-eastern Side of Portion of St. Aubyn Street and the South-western Side of Portion of Church Street, in the Borough of Devonport, exempted from the Provisions of Section 117 of the Public Works Act, 1908, subject to a Condition as to the Building-lines.*

CHARLES FERGUSSON, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of April, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1908, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Devonport Borough Council on the first day of September, one thousand nine hundred and twenty-six, viz. :—

"The Devonport Borough Council, being the local authority having control of the streets in the Borough of Devonport, hereby declares that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to St. Aubyn Street and Church Street fronting the following properties: Firstly—Lot 2 on a plan deposited in the Land Transfer Office at Auckland under 19556M, which said piece of land is portion of a subdivision of Lots 2, 3, 4, 24, and part 25 of a subdivision of Allotment 17 of Section 2, Parish of Takapuna (containing 25.17 perches, more or less); secondly—Lot 3 on a plan deposited in the Land Transfer Office at Auckland under No. 19556M, which said piece of land is portion of a subdivision of Lots 2, 3, 4, 24, and part 25 of a subdivision of Allotment 17 of Section 2, Parish of Takapuna (containing 25.43 perches, more or less)";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the south-eastern side of the portion of St. Aubyn Street or the south-western side of the portion of Church Street (described in the Schedule hereto), within a distance of thirty-three feet from the centre-lines of the said portions of streets.

#### SCHEDULE.

THE south-eastern side of all that portion of street in the North Auckland Land District, Borough of Devonport, known as St. Aubyn Street, abutting on Lot 3, D.P. 19556, being part of a subdivision of Lots 2, 3, 4, 24, and part 25 of Allotment 17 of Section 2, Parish of Takapuna, and the south-western side of all that portion of street in the said land district and borough known as Church Street, abutting on Lot 2, D.P. 19556, of the said subdivision. As the said portions of streets are more particularly delineated on the

plan marked P.W.D. 67169, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured red.

F. D. THOMSON,  
Clerk of the Executive Council.

(P.W. 51/417.)

*Validating Proceedings in connection with the Matamata Town Board's Sewerage Connections Installation Loan of £1,000.*

CHARLES FERGUSSON, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of April, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Matamata Town Board lately proceeded to raise a loan of one thousand pounds under the Local Bodies' Loans Act, 1913 (hereinafter referred to as "the said Act"), for the purpose of rendering temporary financial assistance by way of repayable subsidy towards the cost of connecting up private premises with the present sewerage system:

And whereas the proceedings in connection with the said loan were irregular in that—

- (a) In the notice published pursuant to section nine of the said Act (hereinafter referred to as "the said notice") the proposed security for the repayment of the said loan was inadvertently stated to be a special rate of one twenty-fourth of a penny in the pound on the capital value of all rateable property in the Matamata Town District;
- (b) The said notice did not set forth a statement whether or not it was proposed to pay out of the said loan the cost of raising the said loan, or the interest and sinking fund for the first year;
- (c) The voting-paper used for the purposes of the poll taken on the proposal to raise the said loan (hereinafter referred to as "the said voting-paper") stated that it was proposed that the said loan should be repaid at the expiration of thirty-six and a half years by a sinking fund of one per centum per annum.

And whereas—

- (a) The amount of the said special rate should have been stated in the said notice as one twenty-third of a penny in the pound, and it was correctly stated as that amount in the said voting-paper;
- (b) It was in fact proposed to pay out of the said loan the cost of raising the said loan and the interest and sinking fund for the first year, and a statement to that effect was set forth in the said voting-paper;
- (c) The sinking fund of one per centum per annum is not the only source from which the said loan may be repaid:

And whereas it appears that the ratepayers of the district have not been misled by such irregularities as aforesaid, and it is expedient to validate the same:

And whereas by section one hundred and twenty-six of the Local Bodies' Loans Act, 1926, the said Act is repealed, and it is enacted that all matters and proceedings commenced under the said Act, and pending or in progress on the commencement of the reciting Act, may be continued and enforced under the reciting Act:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on him by section one hundred and twenty-two of the Local Bodies' Loans Act, 1926, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby order and declare that the proceedings in connection with the said loan shall be valid to all intents and purposes as though—

- (a) The said special rate had been correctly stated in the said notice as one twenty-third of a penny in the pound;
- (b) The said notice had set forth a statement that it was proposed to pay out of the loan the cost of raising the loan and the interest and sinking fund for the first year;
- (c) The said voting-paper had not inferred that the sinking fund was the only source from which the said loan would be repaid:

And that the validity of the proceedings in connection with the said loan or of the security for the said loan, shall not be called in question by reason only of the irregularities aforesaid.

F. D. THOMSON,  
Clerk of the Executive Council.