

Licensing the New Zealand Paper-mills (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark of Auckland Harbour, at Riverhead, as a Site for a Wharf-extension.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-sixth day of October, 1915.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by Order in Council dated the sixteenth day of June, one thousand nine hundred and thirteen, and published in the *New Zealand Gazette* No. 47, of the nineteenth day of the same month, the New Zealand Paper-mills (Limited), of Auckland (hereinafter called "the company"), was licensed, under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark at Riverhead, in Auckland Harbour, in order to erect a wharf thereon, as shown on plans marked M.D. 2266 and 2787, and deposited in the office of the Marine Department at Wellington :

And whereas the company has applied for authority to make certain additions to the said wharf, and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited a plan in the office of the Marine Department at Wellington, marked M.D. 4481, showing the additional area of foreshore and land below low-water mark intended to be occupied, and the nature and extent of the additions intended to be made : And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor in Council : And whereas it is expedient that a license should be granted and issued to the company under the said Act for the purpose aforesaid, on the terms and conditions hereinafter expressed :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the said Act, 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 approve of the purpose or object for which the said license is required by the company as aforesaid ; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the company to use and occupy that part of the foreshore and land below low-water mark at Riverhead in Auckland Harbour on which the said wharf-additions are to be erected, as shown on the plan marked M.D. 4481 so deposited as aforesaid, for the purpose of erecting and maintaining the said additions to the wharf, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the term "Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to the part of the foreshore and land below low-water mark necessary for the construction of the additions to the said wharf, as shown on the plans marked M.D. 4481.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of 10s. in advance, payable on the 1st day of May, dating from the 1st day of May, 1915, the first of such annual payments to be made on the company being supplied with a copy of this Order in Council.

4. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said additions to the wharf, and all rights of ingress and egress thereon and therefrom.

5. His Majesty, or the Governor, and all officers in the Government service acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of the said additions to the wharf without payment.

6. The company shall maintain the above-mentioned additions in good order and repair, and shall at all times exhibit therefrom and maintain at its own cost suitable and necessary lights for the guidance of vessels ; provided

that no light shall be exhibited until after it has been approved of by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said additions and view the state of repair thereof ; and upon such Minister leaving at or posting to the last known address of the company a notice in writing of any defect or want of repair in such additions, requiring it, within a reasonable time, to be therein prescribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the company to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 20th day of May, 1913, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority ; and the company shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor without payment of any compensation whatever, on giving to the company three calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the company.

11. The company shall be liable for any injury which the said additions may cause any vessel or boat to sustain through any default or neglect on the part of the company.

12. In case the company shall—

(1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them ;

(2.) Cease to use or occupy the said additions for a period of thirty days ;

(3.) Be in any manner wound up or dissolved ; or

(4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in either of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the company or other proceeding whatsoever ; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, and to all persons concerned or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. The construction of the said additions shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council.

Portion of Seymour Street, in the Point Chevalier Road District, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-sixth day of October, 1915.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by subsection one of section one hundred and seventeen of the Public Works Act, 1908, it is, *inter alia*, provided that the said section shall not apply in any case where the local authority having control of any road or street by resolution declares that the provisions thereof shall not apply to any specified road or street, or any specified part thereof, and such resolution is approved by the Governor in Council :

And whereas by subsection two of section one hundred and seventeen of the Public Works Act, 1908, it is provided that such approval may be either absolute or subject to such conditions with respect to the building-line as the Governor by Order in Council thinks fit to impose :

And whereas the Point Chevalier Road Board, being the local authority having control of the portion of road described in the Schedule hereto, did, on the twenty-ninth day of July, one thousand nine hundred and fifteen, pass the following resolution, viz. : "That said section one hundred