

Licensing Arthur Edmund Andrewes to use and occupy a Part of the Foreshore of Hokianga River as a Site for a Building to be used for Shops.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this sixth day of November, 1916.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Arthur Edmund Andrewes, of Rawene (hereinafter called "the licensee"), has applied to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark in Hokianga River in order to construct and maintain thereon a building to be used for shops; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in duplicate in the office of the Marine Department at Wellington (marked M.D. 3244 and 3684), showing the place where it is intended to construct such building, the area of foreshore and land below low-water mark intended to be occupied for such purpose, and the manner in which it is proposed to carry out the work:

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 plans have, prior to the making of this Order in Council, been approved by the Governor in Council:

And whereas it is expedient that a license under the said Act for the purpose aforesaid should be granted and issued to the licensee 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 vested in him by the said Act, 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 licensee 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 licensee to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on plan 3244 so deposited as aforesaid, for the purpose of constructing thereon a building to be used for shops in accordance with plan 3684; such license to be held and enjoyed by the licensee 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 a building to be used for shops, as shown on plan M.D. 3244.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 10s. in advance, such annual payments to date from 22nd September, 1916.

4. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years computed from the 22nd September, 1916, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

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 building without payment.

6. Nothing herein contained shall authorize the licensee 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.

7. The licensee shall maintain the above-mentioned building in good order and repair.

8. The said rights, powers, and privileges may be at any time resumed by the Governor, and the licensee may be

required to remove the building at his own cost, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

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

10. In case the licensee 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 building for a period of thirty days,—

(3.) Fail to pay the sums specified in clause 3 of these conditions; or

(4.) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy,

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 licensee 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 licensee, and to all persons concerned or interested, that this Order in Council, and the rights and privileges thereby conferred, have been revoked and determined; and upon such revocation the Minister may cause the said building to be removed, and may recover the cost incurred by any such removal from the licensee.

J. F. ANDREWS.

Clerk of the Executive Council

Portions of Humphries and Wood Streets, in the Borough of Greytown, 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 sixth day of November, 1916.

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 Greytown Borough Council, being the local authority having control of the streets described in the Schedule hereto, has passed the following resolution—viz., "That the Greytown Borough Council, being the local authority having control of Humphries and Wood Streets, declares that the provisions of section one hundred and seventeen, subsection one, Public Works Act, 1908, shall not apply to (1) that part of Humphries Street extending from the point marked A to the point marked B on plan attached and coloured black thereon; (2) that part of Wood Street extending from the point C to the point D on the plan attached and coloured black thereon":

And whereas it is deemed expedient that such resolution should be approved:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers conferred by the above-in-part-recited Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the said resolution.

SCHEDULE.

ALL that portion of Humphries Street, in the Wellington Land District, Greytown Borough, commencing at its junction with the Waiohine River, and proceeding thence in a southeasterly direction to its junction with Wilkie Street (marked A B).