

Licensing the Union Box and Packing Company (Limited) to use and occupy Part of the Foreshore of Hokianga Harbour as a Site for Timber-booms.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-eighth day of October, 1919.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the eighteenth day of September, one thousand nine hundred and five, and published in the *New Zealand Gazette* No. 87, of the fifth day of the following month, William Evans Dive, Benjamin Francis Dive, and Henry Ramsay, trading under the style or title of "Dive and Ramsay," were granted a license to occupy a part of the foreshore of the Tahuna-a-Huru Creek, in Hokianga Harbour, as a site for timber-booms, for a period of fourteen years computed from the date of the said Order in Council :

And whereas the said license was, with the consent of the Minister of Marine, transferred to the Union Box and Packing Company (Limited), of Rawene (hereinafter called "the company"), on the fourth day of August, one thousand nine hundred and nine :

And whereas, the said license having expired, the company has applied to the Governor-General in Council for a fresh license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy that portion of the foreshore herebefore mentioned in order to maintain the said booms constructed thereon, and it is advisable to grant the said license for the period and subject to the terms and conditions set forth in the Schedule hereto :

Now, therefore, His Excellency the Governor-General 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 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 which is particularly shown and delineated on plan marked M.D. 2888 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining the said booms constructed thereon ; 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 on the Tahuna-a-Huru Creek, in Hokianga Harbour, on which the said booms are erected, as shown on the said plan marked M.D. 2888.

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 £5 10s. in advance, such annual payments to date from the 1st day of September, 1919, and the first of such annual payments to be made to the Minister on a copy of this Order in Council being supplied to the company.

4. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years, computed from the 18th day of September, 1919, 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.

5. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the booms at its own cost, without payment of any compensation whatever, on giving to the company three 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 in New Zealand.

6. The company shall maintain the above-mentioned booms 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 by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said booms 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 booms, 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. The company shall be liable for any injury which may be sustained by any vessel or boat in passing the booms, or by contact with them, and which may be occasioned by any default or neglect on its part.

9. 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 booms for a period of thirty days ;

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

(4.) Be in any manner wound up or dissolved,—

then and in any of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor-General 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 rights and privileges thereby conferred, have been revoked and determined ; and upon such revocation the Minister may cause the said booms to be removed, and may recover the cost incurred by such removal from the company.

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

Frandi Street, in the City of Wellington, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-eighth day of October, 1919.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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-General 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-General, by Order in Council, thinks fit to impose :

And whereas the Wellington City Council, being the local authority having control of the street described in the Schedule hereto, has passed the following resolution—*viz.*, "The Wellington City Council, being the local authority having control of the streets in the City of Wellington, hereby declares that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to Frandi Street in the said city" :

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

Now, therefore, His Excellency the Governor-General 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 street in the Wellington Land District, City of Wellington, known as Frandi Street, situated between Baker Street and the Pakuao Stream. As the said street is more particularly delineated on the plan marked P.W.D. 47196, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured red.

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