

Licensing William Bruce Quennell to use and occupy a Part of the Foreshore, Purakanui, as a Site for a Boat-shed.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this seventeenth day of February, 1920.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING
IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), William Bruce Quennell (hereinafter called "the licensee") has applied to the Governor-General in Council for a license under the said Act to occupy a part of the foreshore at Purakanui, in order to construct a boat-shed thereon; 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. 5133, showing the area of foreshore intended to be occupied, and the manner in which it is proposed to construct the said boat-shed:

And whereas it has been made to appear to the Governor-General 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-General in Council:

And whereas it is expedient that a license should be granted and issued to the licensee under the said Act for the purpose aforesaid, on the terms and conditions hereinafter expressed:

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 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 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 on which the boat-shed is to be constructed, as shown on the plan so deposited as aforesaid, for the purpose of constructing and maintaining the said boat-shed thereon, 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 necessary for the construction of the boat-shed at Purakanui, as shown on plan marked M.D. 5133.

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 10s. in advance, dating from the date hereof, the first of such annual payments to be made on the license being supplied with a copy of this Order in Council.

4. His Majesty or the Governor-General, 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 boat-shed without payment.

5. The licensee shall maintain the above-mentioned boat-shed in good order and repair.

6. Any person authorized by the Minister may at all reasonable times enter upon the said boat-shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensee in New Zealand a notice in writing of any defect or want of repair of such boat-shed, 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.

7. 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen

years from the date hereof, 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.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the licensee three calendar months' previous written 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.

10. The licensee shall be liable for any injury which the said boat-shed may cause any vessel or boat to sustain through any default or neglect on his part.

11. 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 boat-shed for a period of thirty days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy; or
- (4.) Fail to pay the sums specified in clause three of these conditions,—

then and in any of the said cases this Order in Council, and every license, right, power, or privilege, may be revoked and determined by the Governor-General 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 license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. The construction of the boat-shed shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

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

Portion of Murdoch Road, in the Borough of Hastings, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this seventeenth day of February, 1920.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING
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 Hastings Borough Council, being the local authority having control of the portion of street described in the Schedule hereto, has passed the following resolution—viz., "The Hastings Borough Council, being the local authority having control of the road or street shown on plan deposited in the Deeds Registry Office at Napier under No. 495, and therein described as 'Murdoch Road,' hereby resolves that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to that part of the said road or street abutting on lots numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 43, and 'Hooper Street,' shown on the said deposited plan, and having a distance or frontage of 1501 links":

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.