

*Licensing Ernest Deeble, of Coromandel, to occupy a Part of the Foreshore and Land below Low-water Mark at Waiaro, Coromandel Peninsula, for the Purpose of erecting a Hopper thereon and taking Shingle.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of January, 1925.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Ernest Deeble, of Coromandel (hereinafter called "the licensee"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the foreshore and land below low-water mark at Waiaro, Coromandel Peninsula, for the purpose of erecting a hopper thereon and taking away the shingle deposited thereon; and, in accordance with the provisions of the said Act, has deposited a plan in the office of the Marine Department at Wellington (marked M.D. 5971) showing the area of foreshore and land below low-water mark intended to be occupied for such purpose :

And whereas it is desirable to grant the license applied for :

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 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 within a red line on the plan so deposited as aforesaid, for the purpose of taking away the shingle deposited 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 and land below low-water mark necessary for the purposes hereinbefore mentioned, as shown within a red line in the plan marked M.D. 5971, and deposited in the office of the Marine Department as aforesaid.

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 shall deposit annually the sum of £104, to be applied as hereinafter provided, payable on the first day of April in each year; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1925, the amount to be deposited shall be an amount proportionate to the said period at the rate of £104 per annum, to be deposited on the license being supplied with a copy of this Order in Council.

4. The royalty payable by the licensee in consideration of the concessions and privileges hereby granted shall be at the rate of 9d. per cubic yard on all shingle taken from either above or below high-water mark for the first two years of the period for which this license is granted, and at the rate of 1s. per cubic yard on all shingle so taken for the balance of the said period. If in any year the licensee fails to remove any shingle the deposit hereinbefore referred to shall be appropriated by the Minister as flat rent in respect of that year; but if during any year the licensee removes any shingle the deposit shall, in proportion to the amount of shingle so removed, be applied as royalty at the rate hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be £104. All such payment shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government Service acting in execution of duty, shall at all times have free ingress, passage, and egress into, through, and out of the aforesaid land 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years, computed from the date hereof, unless in the meantime such rights, powers, and privileges are 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.

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General, without payment of any compensation whatsoever, on giving to the licensee three calendar months' previous notice in writing. 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. The licensee shall keep a strictly accurate record of all shingle removed, whether from above or below high-water mark, and shall submit the same for inspection immediately at the end of each month to the Superintendent of Mercantile Marine at Auckland or such other officer as may be appointed by the Minister; and shall at the same time pay to the Superintendent or other officer as aforesaid the amount of royalty due to the Minister.

10. In case the licensee shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
- (2.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy;
- (3.) Fail to pay the sums specified in Clauses 3 and 4 of these conditions,—

then and in any such case this Order in Council, and every license, right, power, or privilege thereby conferred, 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.

11. Payment by the licensee of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by him of the terms and conditions of this Order in Council.

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

*The Northern Side of Forth Street, in the City of Christchurch, exempted from the Provisions of Section 117 of the Public Works Act, 1908, subject to a Condition as to the Building-line.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of January, 1925.

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 Christchurch City Council on the seventeenth day of November, one thousand nine hundred and twenty-four, viz. :—

"The Christchurch City Council, having control of Forth Street in the City of Christchurch, hereby by resolution declares that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to the north side of the said street"; subject to the condition that no building or part of a building shall at any time be erected on the northern side of Forth Street described in the Schedule hereto within a distance of thirty-three feet from the centre-line of the said street, such condition being of the same effect as section thirty-five of the City of Christchurch By-law No. 1 (1916), Part I, relating to building-line.