

Declaring a Main Highway in Highway District No. 3, Tauranga County, to be a Government Road.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 15th day of March, 1926.

Present:

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers vested in him 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 order and declare that the main highway described in the Schedule hereto shall, on and after the date of gazetting of this Order in Council, become a Government road.

SCHEDULE.

TAURANGA-MATAMATA: All the main highway known as the Tauranga-Matamata Main Highway, commencing at the western boundary of the Borough of Tauranga and proceeding thence generally in a south-westerly direction via Greerton, and terminating at the Tauranga County boundary at Kaimai Summit, passing through Tauranga County; being a distance of twenty miles, more or less; marked Q-R on plan. As the same is more particularly delineated on the plan marked M.H. 30, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured blue and marked as above mentioned.

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

Licensing Alfred Subritzky, Herbert Walfred Subritzky, Alfred Vivian Subritzky, and Percy James Anderson to use and occupy a Part of the Foreshore at Hukatere, in Kaipara Harbour, as a Site for a Hopper and Breakwater.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 15th day of March, 1926.

Present:

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Alfred Subritzky, Herbert Walfred Subritzky, Alfred Vivian Subritzky, and Percy James Anderson (who with their executors, administrators, and assigns are hereinafter referred to as "the licensees"), have applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy a part of the foreshore at Hukatere, in Kaipara Harbour, as a site for a hopper and breakwater, to be built in the position and in accordance with plan marked M.D. 6128, and deposited in the office of the Marine Department at Wellington:

And whereas it has been made to appear to the Governor-General in Council that the 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 desirable that a license should be granted and issued to the licensees 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 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 licensees 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 licensees to use and occupy that part of the foreshore on which the said hopper and breakwater are to be erected, as shown on plan marked M.D. 6128, deposited as aforesaid, for the purpose of maintaining the said structures thereon, such license to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the term—

"Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

"Low-water mark" means low-water mark at ordinary spring tides:

"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 that part of the foreshore occupied by the said hopper and breakwater as shown on the plan marked M.D. 6128.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £3, in advance, payable on the 1st day of April each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st of March following to be paid on the licensees 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 hopper and breakwater without payment.

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

6. The licensees shall maintain the above-mentioned hopper and breakwater in good order and repair, and shall at all times exhibit therefrom, and maintain at the licensees' 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 hopper and breakwater, and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensees in New Zealand a notice in writing of any defect or want of repair in such hopper and breakwater, requiring the licensees, within a reasonable time to be therein prescribed, to repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensees to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

9. The ballast of all vessels loading at the said hopper and breakwater shall be taken away by the licensees and deposited above high-water mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

10. 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 licensees shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensees may be required to remove the hopper and breakwater at the licensees' cost, without payment of any compensation whatever, on giving to the licensees 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 licensees in New Zealand.

12. The licensees shall be liable for any injury which the said hopper and breakwater may cause any vessel or boat to sustain through any default or neglect on the licensees' part.

13. In case the licensees 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 hopper and breakwater for a period of thirty-days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy; or
- (4.) Fail to pay the sums specified in clause 3 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