

As the same is more particularly delineated on the plan marked P.W.D. 67464, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon edged red.

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

(P.W. 51/695).

The Southern Side of Portion of Empire Lane, in the Borough of Otahuhu, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Auckland, this 21st day of February, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1908, 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 Otahuhu Borough Council on the fourteenth day of October, one thousand nine hundred and twenty-six, viz. :—

“That the Otahuhu Borough Council, being the local authority having control of the street known as Empire Lane, in the Borough of Otahuhu, 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 south side of the said Empire Lane fronting the land comprised in a subdivisional plan approved by the said Council this day, such land being the whole of the land comprised in deed of conveyance registered in the Deeds Registry Office at Auckland under No. 365806, and being Lots 1, 2, and 3 of a subdivision of parts of Lots 6 and 7 of a resubdivision of Lots 15, 16, 19, and 20 of part of Fairburn's Old Land Claim 269A”;
such portion of street being described in the Schedule hereto.

SCHEDULE.

The southern side of all that portion of street situated in the North Auckland Land District, Borough of Otahuhu, known as Empire Lane, abutting on Lots 1, 2, and 3 of a subdivision of parts of Lots 6 and 7 of a resubdivision of Lots 15, 16, 19, and 20 of part of Fairburn's Old Land Claim 269A. As the said portion of street is more particularly delineated on the plan marked P.W.D. 67451, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured red.

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

(P.W. 51/995.)

Licensing Bruce Scott to use and occupy a Part of the Foreshore and Land below Low-water Mark on the Wade River as a Site for a Wharf.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Auckland, this 21st day of February, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called “the said Act”), Bruce Scott, of Auckland (who with his executors, administrators, and assigns, is hereinafter called “the licensee”), has applied to the Governor-General in Council for a license under the said Act to use and occupy a part of the foreshore and land below low water-mark on the Wade River, in order to erect and maintain a wharf thereon; and, in accordance with the one-hundred-and-seventy-first section of the said Act, has deposited a plan in the office of the Marine Department at Wellington (marked M.D. 6281), showing the area of foreshore and land below low water-mark intended to be occupied, and the manner in which it is proposed to erect the said wharf:

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 purposes 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 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 on which the said wharf is to be erected, as shown on the plan M.D. 6281 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf, 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—
“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 and land below low-water mark necessary for the erection of the said wharf as shown on the plan marked M.D. 6281, 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 pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 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 March following to be paid on the licensee being supplied with a copy of this Order in Council.
4. All persons shall, at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the said wharf and all rights of ingress and egress thereon and therefrom.
5. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said wharf without payment.
6. The licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at the licensee's 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 wharf 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 in such wharf, requiring the licensee, within a reasonable time to be therein prescribed, to repair the same, the licensee shall with all reasonable speed cause such defect to be removed or such repairs to be made.
8. 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, 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 wharf shall be taken away by the licensee 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 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 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 licensee