

Licensing the Kauri Timber Company (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark on the Whenuakite River, Coromandel County, as a Site for Timber-booms.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this eighth day of December, 1913.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Kauri Timber Company (Limited), of Auckland (hereinafter called "the company"), did, in the year 1911, apply to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark on the Whenuakite River, Coromandel County, in order to construct and maintain thereon timber-booms; and, in accordance with the one-hundred-and-fiftieth section of the said Act, deposited a plan in the office of the Marine Department, at Wellington (marked M.D. 3743), showing the place where it was intended to construct such timber-booms, the area of foreshore and land below low-water mark intended to be occupied for such purpose, and the manner in which it was proposed to carry out the work: And whereas, it having been made to appear to the Governor in Council that the proposed work would not be or tend to the injury of navigation, and the said plan was, prior to the making of this Order in Council, approved by the Governor in Council, a license under the said Act, for the purpose aforesaid, was, on the tenth day of October, one thousand nine hundred and eleven, granted and issued to the company on the terms and conditions therein expressed for a period terminating on the thirty-first day of December, one thousand nine hundred and thirteen:

And whereas the company has made application for a license under the said Act to occupy the said foreshore and land below low-water mark for the purpose aforesaid for a further period of two years from the date of expiry of the license first hereinbefore mentioned, and it is expedient to grant the same subject to the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor 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 company as aforesaid; and, in further pursuance and exercise of the said power and authority, and by 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 and land below low-water mark which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of maintaining thereon timber-booms constructed in accordance with the said plan, 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 and land below low-water mark necessary for the maintenance of the timber-booms, as shown on plan M.D. 3743.

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 £1 in advance, such annual payments to date from the 10th day of October, 1911, the first of such annual payments to be made on the company being supplied with a copy of this Order in Council.

4. The rights, powers, and privileges conferred by this Order in Council shall continue in force up to and including the thirty-first December, one thousand nine hundred and fifteen, 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. His Majesty or the Governor, 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, over, and out of the said timber-booms without payment.

6. The said rights, powers, and privileges may be at any time resumed by the Governor, and the company may be required to remove the timber-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.

7. The company shall maintain the above-mentioned timber-booms in good order and repair; and shall at all times exhibit therefrom, and maintain at its own cost, any lights that may be required by the Minister; provided that no light shall be exhibited until after it has been approved of by the Minister.

8. Any person authorized by the Minister may at all reasonable times enter upon the said timber-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 timber-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.

9. The company shall be liable for any injury which may be sustained by any vessel or boat in passing the timber-booms, or by contact therewith, and which may be occasioned by any default or neglect on the company's part.

10. 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 timber-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 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 timber-booms to be removed, and may recover the costs incurred by any such removal from the company.

J. F. ANDREWS,
Clerk of the Executive Council.

Licensing Gammans Tauranga (Limited) to occupy a Part of the Foreshore of Tauranga Harbour as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this eighth day of December, 1913.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Gammans Tauranga (Limited), (hereinafter called "the company") has applied to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark of the Wairoa River, Tauranga Harbour, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department, at Wellington (marked M.D. 4181), showing the place where it is intended to erect such wharf, the area of foreshore and land below low-water mark to be occupied for such purpose, and the manner in which it is proposed to erect the wharf: And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation; and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council, without modification or addition: And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the company on the terms and conditions set forth in the Schedule hereto:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of