

Licensing the Leyland O'Brien Timber Company (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark of the Mill Creek, Whitianga Harbour, as a Site for Timber-booms.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this tenth day of August, 1914.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Leyland O'Brien Timber Company (Limited), of Auckland (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 Mill Creek, Whitianga Harbour, as a site for timber-booms; 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. 4286), showing the place where it is 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 is proposed to carry out the work: 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 plan has, prior to the making of this Order in Council, been approved by the Governor in Council: 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 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 that part of the foreshore and land below low-water mark necessary for the construction of the timber-booms, as shown on plan M.D. 4286.

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, dating from the date hereof, 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 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 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 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 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 proceedings 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.

11. The construction of the timber-booms shall be deemed to be an acceptance by the company of the conditions of this Order in Council.

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

Patea Harbour Board declared a Leasing Authority under the Public Bodies' Leases Act, 1908.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this tenth day of August, 1914.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by an Order in Council dated the second day of September, one thousand eight hundred and ninety-five, and published in the *New Zealand Gazette* of the fifth day of September, one thousand eight hundred and ninety-five, the Patea Harbour Board was declared to be subject to the provisions of the Public Bodies' Powers Act, 1887:

And whereas the said Council has, in terms of subsection three of section fourteen of the Public Bodies' Leases Act, 1908 (hereinafter termed "the said Act"), requested that the said Order in Council may be revoked:

And whereas the Patea Harbour Board is a body of persons having power to lease land held in trust, reserved, or set apart for public purposes, and has requested the Governor in Council to declare it to be a leasing authority within the meaning of the said Act:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the aforesaid Order in Council of the second day of September, one thousand eight hundred and ninety-five, but without prejudice to anything heretofore done thereunder; and, further, in compliance with the aforesaid request of the said Patea Harbour Board, and in pursuance and exercise of the above-recited powers, and acting by and with the advice and consent of the Executive Council as aforesaid, doth hereby order and declare that the said Patea Harbour Board is a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

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