

the following month, Heremia te Wake, Kahi Tipene, Moki Mitikakau, and Hohepa Heperi, as trustees for the Native inhabitants, were licensed to use and occupy portion of the foreshore at Rawene as a site for a market-house:

And whereas the license was, with the previous written consent of the Minister of Marine, transferred to the Hokianga Co-operative Trading Company (Limited) on the twelfth day of July, one thousand nine hundred and seventeen:

And whereas the Hokianga Co-operative Trading Company (Limited) has now applied to have the license revoked, and it is desirable so to do:

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 Harbours Act, 1908, 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 revoke the license granted by the hereinbefore-recited Order in Council of the twenty-fifth day of March, one thousand nine hundred and fifteen, and the rights and privileges thereby conferred.

F. D. THOMSON,
Clerk of the Executive Council

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

JELICOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of August, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinbefore mentioned, the Leyland O'Brien Timber Company (Limited), of Auckland (hereinafter called "the company"), has applied to the Governor-General 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 Kaimarama River, Whitianga Harbour, as a site for a timber-boom; 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. 5452), showing the place where it is intended to construct such timber-boom, 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-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 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-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 company 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 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 a timber-boom 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-boom, as shown on plan M.D. 5452.

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, payable on the 1st day of April in each year, the proportionate part of such annual rental in respect of the period from the date hereof until the 31st day of March following, to be paid 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-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, over, and out of the said timber-boom without payment.

6. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the timber-boom 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-boom 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. The company shall keep the boom and the waterway of the river clear of all debris produced by the company's workings.

9. The company shall make provision for the safe and expeditious passage of vessels and boats through the said boom.

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

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

12. 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-boom 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 either of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor-General 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-boom to be removed, and may recover the costs incurred by any such removal from the company.

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

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

Prescribing the Rate of Interest that may be paid by the Lake County Council in respect of a Loan of £3,000 authorized to be raised for liquidating its Antecedent Liability.

JELICOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of August, 1922.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS section eleven of the Finance Act, 1921, as amended by section six of the Local Bodies' Loans Amendment Act, 1921, provides that, notwithstanding anything to the contrary in any Act or in any rule of law, where