

telegraph-lines which are the property of the Railways Department or the Telegraph Department and which were erected prior to the licensee's lines.

17. COMPENSATION PAYABLE FOR LAND INJURIOUSLY AFFECTED, ETC.

In respect of all land injuriously affected, and in respect of all damage done by the exercise of any of the powers conferred upon the licensee by this license, the licensee shall from time to time, as and when any such injury or damage accrues or happens, pay compensation in accordance with the provisions of the Public Works Act, 1908.

18. CROWN NOT LIABLE TO PAY COMPENSATION.

Nothing in this license shall be held to cast upon or imply any liability upon His Majesty the King or upon the Government of New Zealand to pay compensation to any person, corporate body, or local authority by reason of the exercise by the licensee of the authority hereby granted; but the licensee shall be liable for any loss or damage which any person, corporate body, or local authority may sustain as the result of the exercise by the licensee of any of the powers granted by this license.

19. BEDS OF STREAMS NOT LEASED.

Nothing herein shall be held to constitute a lease from the Crown of the beds of the said streams, nor shall the provisions of Part IX of the Property Law Act, 1908, apply to this license.

20. CONTRACT BETWEEN LICENSEE AND CROWN.

This license shall be deemed to constitute a contract as between the licensee and His Majesty the King, and may be enforced as a contract by and against His said Majesty or the licensee accordingly.

21. TIME FOR SUBSTANTIAL COMPLETION OF WORKS.

The licensee shall substantially complete the works hereby authorized within a period of two years from the date of this license, or within such further time as the Minister may allow in the event of the work being delayed by strikes, lock-outs, breakdowns, or other unavoidable causes not due to any neglect by the licensee.

22. GRANTING OF OTHER WATER-RIGHTS.

Nothing herein shall prevent the Governor-General in Council from granting to any person or body corporate other than the licensee a license to take water from any portion of the said streams, except at the place where the licensee is by this license empowered to take it; provided that no such license shall so operate as to reduce the natural fall between the headworks and tail-water, or the volume of the water which the licensee is by this license authorized to take from the said streams.

23. FINES.

If the licensee fails or neglects—

- (a.) To use or maintain the said works, after completion, so as to secure the full benefit of the undertaking; or
- (b.) To observe any of the conditions or obligations herein imposed.—

then and in any such case the licensee shall be liable to a fine of £50 for every week or part of a week during which such default or neglect continues; or the Governor-General may by Order in Council revoke this license.

24. SERVICE OF NOTICE.

Notwithstanding anything in the last preceding clause, this license shall not be revoked, and no proceedings shall be taken for the recovery of a fine in respect of the breach thereof, unless and until notice in writing of the intention so to revoke the license or to take such proceedings has been served upon the licensee, or placed upon some principal or conspicuous part of the works, and default has been made by the licensee in repairing or remedying the breach or breaches specified in the said notice for the following periods:—

- (a.) For any breach which in the opinion of the Governor-General can be met by a fine, for thirty days after the service of such notice.
- (b.) For any breach which in the opinion of the Governor-General is of such a nature as to require the revocation of this license, for ninety days after the service of such notice.

25. APPLICATION OF REGULATIONS.

Where there is any inconsistency between the conditions of this license and the regulations the provisions of the conditions shall prevail.

26. SURRENDER OF LICENSE.

The licensee may at any time, with the consent of the Minister, surrender this license, and shall thereupon, if so required by the Minister, remove from the ground all removable equipment, machinery, buildings, poles, transmission-lines, and other plant herein authorized to be installed or provided. If the licensee fails or neglects so to remove the said plant within twelve months after being required so to do, such equipment, machinery, buildings, poles, lines, and other plant shall, without payment or compensation, vest in and become the property of the Crown.

27. REQUIREMENTS OF BULLER COUNTY COUNCIL.

Notwithstanding anything hereinbefore contained, the licensee shall not be entitled to construct, maintain, or use the works authorized by the license within the Buller County, except subject to such conditions, not inconsistent with the provisions of this license or any variation of this license, as may from time to time be agreed upon between the licensee and the Buller County Council.

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

Licensing Messrs. T. M. Lane and Sons (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark on the Pupuke River, Whangaroa Harbour, as a Site for the Stacking and Floating of Timber.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of February, 1925.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Messrs. T. M. Lane and Sons (Limited), (who with its successor and assigns is hereinafter referred to as "the company"), has 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 and land below low-water mark on the Pupuke River, Whangaroa Harbour, as a site for the stacking and floating of timber, 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. 5950), showing 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 site for the stacking and floating of timber 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—

"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: