

scribed in the Schedule hereto shall become vested in the Waimakariri River Trust, in trust, for river-conservation purposes.

SCHEDULE.

CANTERBURY LAND DISTRICT.

- RESERVE 2705, Block X, Mairaki Survey District: Area, 94 acres 1 rood 16 perches.
 Reserve 2714, Blocks VII and VIII, Oxford Survey District: Area, 45 acres 2 roods.
 Reserve 2718, Block VIII, Oxford Survey District: Area, 54 acres.
 Reserve 2722, Block VIII, Oxford Survey District: Area, 13 acres.
 Reserve 2794, Block VII, Oxford Survey District: Area, 7 acres.
 Reserve 2872, Block XV, Rangiora Survey District: Area, 5 acres.

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

Licensing the Kauri Timber Company (Limited) to use and occupy a Part of the Foreshore of Whangaroa Harbour as a Site for Wharf, Booms, and Sawmill.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 14th day of April, 1925.

Present:

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the second day of February, one thousand nine hundred and eleven, and published in the *New Zealand Gazette* No. 11, of the ninth day of the same month, the Kauri Timber Company (who with its successors and assigns is hereinafter called "the company"), was, *inter alios*, licensed to occupy a part of the foreshore and land below low-water mark of Whangaroa Harbour for the purpose of using and maintaining thereon a wharf, booms, and sawmill, erected in accordance with plans marked M.D. 2294, and deposited in the office of the Marine Department at Wellington, for a period of fourteen years from the first day of January, one thousand nine hundred and eleven:

And whereas the said license has expired, and the company has made application for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of fourteen years, computed from the expiry of the term of the said last-mentioned license, and it is expedient to grant the same for the term and subject to the 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 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 of the land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of using the aforesaid wharf, booms, and sawmill in connection therewith, such license to be held and enjoyed by the company upon and subject to the terms and conditions set out 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 the parts of the

foreshore and the land below low-water mark necessary for the said wharf, booms, and sawmill as shown on the plans marked M.D. 2294 (marked No. 4 on plan), 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 company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5. in advance, payable on the 1st day of April in each year. The proportionate part of such rental in respect of the period from the 1st day of January, 1925, to the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

4. 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, and out of the said wharf, booms, and sawmill without payment.

5. The company shall maintain the said wharf, booms, and sawmill in good order and repair; and shall at all times exhibit therefrom, and maintain at the company'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 of by the Minister.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said wharf, booms, and sawmill and view the state of repair thereof; and upon such Minister leaving at or posting to the last known registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf, booms, and sawmill, requiring the company, within a reasonable time, to be therein prescribed, to repair the same, the company shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the company to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years, computed from the 1st day of January, 1925, 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.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, 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 registered office of the company in New Zealand.

10. The company shall be liable for any injury which any structure on the said premises may cause any vessel or boat to sustain through any default or neglect on the part of the company.

11. In case the company shall—

- (1.) Commit or suffer a breach of the conditions herein before set forth, or any of them;
- (2.) Cease to use or occupy the said wharf, booms, and sawmill for a period of thirty days;
- (3.) Be in any manner wound up or dissolved; or
- (4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in any such case this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General 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 license, right, and privileges thereby granted and conferred, have been revoked and determined.

12. In the event of this Order in Council being revoked for any reason whatsoever, or upon the expiry of the period for which the license is granted, the company shall, if required by the Minister so to do, remove the said wharf, booms, and sawmill entirely from the site and restore the site to its original condition within three months from the date of revocation or expiry, as the case may be; and if the company fails so to do, the Minister may cause the said wharf, booms, and sawmill to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

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