

thereon; 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. 6014), showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said tramline:

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 should be granted and issued to the company under the said Act, for the purposes aforesaid, 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 on which the said tramline is to be erected, as shown on the plan M.D. 6014 so deposited as aforesaid, for the purpose of erecting and maintaining the said tramline; 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.

In these conditions and terms—

“Foreshore” means such part 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 part of the foreshore and land below low-water mark necessary for the erection of the said tramline, as shown on the plan marked M.D. 6014, 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 date hereof until the 31st 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 persons 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 tramline without payment.

5. The company shall maintain the above-mentioned tramline in good order and repair.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said tramline 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 tramline, requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company shall with reasonable 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 regulation 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 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 written consent of the Minister first obtained.

9. 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 tramline at the company's 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 registered office of the company in New Zealand.

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

11. 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 tramline for a period of thirty days;

(3.) Fails to pay the sum 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 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 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 license, rights, and privileges thereby granted and conferred, have been revoked and determined; and upon such revocation the Minister may cause the said tramline to be removed, and may recover the cost incurred by any such removal from the company.

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 tramline 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 tramline to be removed and the site so restored, and may recover the cost incurred by the said removal and restoration from the company.

13. The erection of the said tramline shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Licensing James Borrie to use and occupy a Part of the Foreshore at Torehine Block, Coromandel, as a Site for a Wharf.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of June, 1925.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, James Borrie, of Wellington (who with his executors, administrators, and assigns is hereinafter referred to as “the licensee”), 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 at Torehine Block, Coromandel, as a site for a wharf, to be built in the position and in accordance with plan marked M.D. 6004 (sheets 1 and 2), and deposited in the office of the Marine Department at Wellington:

And whereas it has been made to appear to the Governor-General in Council that the 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 desirable that a license should be granted and issued to the licensee under the said Act for the purpose aforesaid, 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 conferred upon 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 purposes or object for which the said license is required by the licensee 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 licensee to use and occupy that part of the foreshore on which the said wharf is to be erected, as shown on plan marked M.D. 6004 deposited as aforesaid, for the purpose of maintaining the