

of the said Dominion, doth hereby authorize the Auckland City Council to permit the laying-off of a street of a width less than sixty-six feet, but not less than forty feet, within the area described in the Schedule hereto, it being inexpedient to lay off a street of a width of sixty-six feet within such area.

SCHEDULE.

ALL that area of land situated in the North Auckland Land District, City of Auckland, containing by admeasurement 1 acre 1 rood 26-4 perches, more or less, being Lots 6 and 20 and part Lot 31 of Lot 54 of Allotment 46, Section 8, Suburbs of Auckland. As the said area is more particularly delineated on the plan marked P.W.D. 65579, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon edged red.

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

(P.W. 51/948.)

Licensing the Golden Bay Cement Company (Limited) to use and occupy a Part of the Foreshore at Terakohe, in Golden Bay, as a Site for a Powerhouse, Store, and Rubble Facing.

CHARLES FERGUSSON, Governor-General.

By his Deputy,
CHARLES PERRIN SKERRETT.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of April, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the thirteenth day of June, one thousand nine hundred and ten, and published in the *New Zealand Gazette* No. 59, of the sixteenth day of the same month, the Golden Bay Cement Works (Limited) was licensed to use and occupy a part of the foreshore and land below low-water mark at Terakohe, in Golden Bay, as shown on plans marked M.D. 3525, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a powerhouse and store to be used in connection with the company's cement works, and also a rubble facing on the seaward side of the said part of the foreshore for the purpose of constructing certain necessary reclamation in order to obtain the full benefit of such license, to be erected in accordance with the said plan, and deposited as aforesaid, for the term of fourteen years, computed from the thirteenth day of June, one thousand nine hundred and ten, on the terms and conditions therein expressed :

And whereas the said license was with the consent of the Minister of Marine transferred to the Golden Bay Cement Company (Limited), (who with its successors and assigns is hereinafter referred to as the "company") :

And whereas the company has applied for a fresh license under the Harbours Act, 1923 (hereunder called "the said Act"), for a further term of fourteen years, and it is advisable to grant the same :

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 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 powerhouse and store to be used in connection with the company's cement works, and also a rubble facing on the seaward side of the said part of the foreshore for the purpose of constructing certain necessary reclamation in order to obtain the full benefit of such license, 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 :

"Minister" means the Minister of Marine as defined by the Shipping and Seaman 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 powerhouse, store, and rubble facing, which is shown on the plan M.D. 3525 edged in green and enclosed within lines drawn in red 500 links and 250 links respectively in length, 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 £2 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 13th day of June, 1924, until the 31st March following to be paid on the company being supplied with a copy of this Order in Council.

4. All persons shall, at all reasonable times, upon payment of proper dues, have free and full liberty of access to and from the company's wharf through the said foreshore.

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, and out of the said powerhouse, store, and rubble facing without payment.

6. The company shall maintain the above-mentioned powerhouse, store, and rubble facing in good order and repair.

7. Any person authorized by the Minister may at all reasonable times enter upon the said powerhouse, store, and rubble facing, 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 powerhouse, store, or rubble facing, 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.

8. 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.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 13th day of June, 1924, 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.

10. 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.

11. The company shall be liable for any injury which the said powerhouse, store, and rubble facing may cause any vessel or boat to sustain through 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 powerhouse, store, and rubble facing 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 of the said cases this Order in Council, and every license, right, power, or privilege, 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, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. 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 powerhouse, store, and rubble facing 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 powerhouse, store, and rubble facing 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.