

Licensing the Ross Sea Whaling Company (Limited) to use and occupy a Part of the Foreshore at Kaipipi Bay, Paterson Inlet, Stewart Island, as a Site for a Quay and Slipway.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of June, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Ross Sea Whaling Company (Limited), of Stewart Island (who with its successors 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 at Kaipipi Bay, Paterson Inlet, Stewart Island, as a site for a quay and slipway, to be built in the position and in accordance with plan marked M.D. 6178 (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 company 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 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 on which the said quay and slipway are to be erected, as shown on plan marked M.D. 6178 deposited as aforesaid, for the purpose of maintaining the said structures thereon, 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 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 that part of the foreshore occupied by the said quay and slipway as shown on the plan marked M.D. 6178 (sheet 1).

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 each year, the first of such payments 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 quay and slipway without payment.

5. The company shall maintain the above-mentioned quay and slipway 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 by the Minister.

6. Any person authorized by the Minister may at all reasonable times enter upon the said quay and slipway 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 quay and slipway, 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 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 ballast of all vessels loading at the said quay and slipway shall be taken away by the company and deposited above high-water-mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

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 1st day of April, 1926, 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, and the company may be required to move the quay and slipway at the company's 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.

11. The company shall be liable for any injury which the said quay and slipway 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 quay and slipway for a period of thirty days ;
- (3.) Be in any manner wound up or dissolved ; or
- (4.) Fail to pay the sum 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 quay and slipway 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 quay and slipway to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

14. The erection of the said quay and slipway 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.

License authorizing Mervyn William Wallis to erect Electric Lines in Block II, Karioi Survey District, Raglan County.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of June, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Amendment Act, 1911, and of all other powers in anywise enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth—subject to the conditions set forth in the Schedule hereto, and to the regulations made under section two of the aforesaid Act, and dated the ninth day of October, one thousand nine hundred and twenty-two, and published in the *New Zealand Gazette* of the twelfth day of the same month, or any regulations hereafter made in amendment thereof or in substitution thereof (and hereinafter collectively referred to as "the regulations"), and which regulations shall be deemed to be incorporated herein—hereby