

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 licensee shall not assign, charge, or part with any such right, power, or privilege, without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the slip, jetty, and log-storage site at the licensee's cost, without payment of any compensation whatever, on giving to the licensee 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 address of the licensee in New Zealand.

12. The licensee shall be liable for any injury which the said slip, jetty, and storage-log site may cause any vessel or boat to sustain through any default or neglect on the licensee's part.

13. In case the licensee 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 slip, jetty, and log-storage site for a period of thirty days;
- (3.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy; 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 licensee 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 licensee, 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

14. 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 licensee shall, if required by the Minister so to do, remove the said slip and jetty 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 licensee fails so to do, the Minister may cause the said slip and jetty to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

15. The erection of the said slip and jetty and occupation of the log-storage site shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

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

Licensing the Australian Glass-manufacturers Company (Limited), of Auckland, to occupy a Part of the Foreshore and Land below Low-water Mark at Koteonopoto Spit, Parengarenga Harbour, for the Purpose of taking Sand.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of September, 1926.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned, the Australian Glass-manufacturers Company (Limited), Auckland (who, with its successors and assigns, is hereinafter called "the company") has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the foreshore and land below low-water mark at Koteonopoto Spit, Parengarenga Harbour, for the purpose of taking away the sand deposited thereon; and in accordance with the provisions of the said Act, has deposited a plan in the office of the Marine Department at Wellington (marked M.D. 6227) showing the area hatched red of foreshore and land below low-water mark intended to be occupied for such purpose:

And whereas it is desirable to grant the license applied for: 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 hatched red on the plan so deposited as aforesaid, for the purpose of taking away the sand deposited 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 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 part of the foreshore and land below low-water mark necessary for the purposes hereinbefore mentioned, as shown hatched red on the plan marked M.D. 6227 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, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £10, to be applied as hereinafter provided, payable on the 1st day of April in each year; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1927, the amount to be deposited shall be an amount proportionate to the said period at the rate of £10 per annum, to be deposited on the company being supplied with a copy of this Order in Council.

4. The royalty payable by the company in consideration of the concessions and privileges hereby granted shall be at the rate of 3d. per cubic yard on all sand taken. If in any year the company fails to remove any sand the deposit hereinbefore referred to shall be appropriated by the Minister as flat rental in respect of that year; but if during any year the company removes any sand the deposit shall, in proportion to the amount of sand so removed, be applied as royalty at the rates hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be £10. All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government service acting and in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, and out of the said land without payment.

6. 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.

7. 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 date hereof, unless in the meantime such rights, powers, and privileges are 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.

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General without payment of any compensation whatsoever, on giving to the company three calendar months' previous notice in writing. 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.

9. The company shall keep a strictly accurate record of all sand removed, whether from above or below low-water mark, and shall submit the same for inspection immediately at the end of each month, to the Superintendent of Mercantile Marine at Auckland or such other officer as may be appointed by the Minister; and shall at the same time pay to the Superintendent, or other officer, as aforesaid the amount of royalty due to the Minister.

10. In case the company shall—

1. Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
2. Be in any manner wound up or dissolved;