

nineteenth day] of the same month, Messrs. R. O. Clark (Limited), of Auckland, who, with its successors and assigns is hereinafter referred to as "the company," was licensed to use and occupy a part of the foreshore, including the reclamation already constructed at Hobsonville, in Auckland Harbour, for use in connection with the brick and pottery making industry carried on by the company at Hobsonville, Auckland Harbour, as shown on plan marked M.D. 3965, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the sixteenth day of December, one thousand nine hundred and twelve :

And whereas the said company has applied for a fresh license under the Harbours Act, 1923 (hereinafter 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 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 inside the dotted red line shown on plan M.D. 3965 so deposited as aforesaid, including the reclamation already constructed, which is particularly shown edged in red on that plan, for the purpose aforesaid, such license to be held and enjoyed by the company and 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 that part of the foreshore including the reclamation already constructed shown as hereinbefore mentioned on the plan marked M.D. 3965, 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 £10 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 16th day of December, 1926, until the 31st March following to be paid on the company being supplied with a copy of this Order in Council.

4. The facing of the reclamation shall be constructed and maintained in a substantial manner to the satisfaction of the Minister or such officer as he may appoint.

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, over, and out of the said foreshore and reclamation.

6. Any person authorized by the Minister may at all reasonable times enter upon the said foreshore and reclamation 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 the facing of such reclamation, requiring the company, within a reasonable time, to be therein prescribed, to repair the same, the company shall with all 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 to be in force for fourteen years from the 16th day of December, 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.

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 the said reclamation, or any other work placed or constructed thereon, 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 hereinbefore set forth, or any of them :

(2.) Cease to use or occupy the said reclamation 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 any proceeding whatever ; 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.

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 entirely from the site any structures thereon, 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 structures to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

J. W. BLACK,  
Acting Clerk of the Executive Council.

*Licensing the Kauri Timber Company (Limited) to use and occupy a Part of the Foreshore in Kaiarara Stream, Great Barrier Island, as a Site for a Boom and Dolphins.*

CHARLES FERGUSSON, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of January, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned, the Kauri Timber Company (Limited), of Auckland (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 in Kaiarara Stream, at Great Barrier Island, as a site for a boom and dolphins, to be built in the position and in accordance with plan marked M.D. 6287, 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 boom and dolphins are to be erected, as shown on plan marked M.D. 6287, deposited as aforesaid, for the purpose of maintaining the said boom and dolphins thereon, such license to be held and enjoyed by the company upon and subject to the terms set forth in the Schedule hereto.