

as "the licensees") were licensed to use and occupy a part of the foreshore and land below low-water mark at Sloan's Beach, Herne Bay, Auckland Harbour, as a site for a boatshed and skids, erected in accordance with the plan marked M.D. 4125, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the sixth day of October, one thousand nine hundred and thirteen:

And whereas the licensees have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a 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 licensees 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 licensees to use and occupy that part of the foreshore and land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the boatshed and skids thereon, such license to be held and enjoyed by the licensees 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 adjacent thereto necessary for the maintenance of the said boatshed and skids, at the site shown on the plan marked M.D. 4125.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 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 6th day of October, 1927, until the 31st March following to be paid on the licensees 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, over, and out of the said boatshed and skids without payment.

5. The licensees shall maintain and keep the above-mentioned boatshed and skids and all erections on or in connection with the boatshed and skids in good order and repair; and shall at all times exhibit therefrom and maintain at the licensees' own cost, suitable and necessary lights for the guidance of vessels; provided that no new 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 boatshed and skids, and any buildings erected on the boatshed and skids or in connection therewith, and view the state of repair thereof; and upon the Minister leaving at or posting to the last known address of the licensees in New Zealand a notice in writing of any defect or want of repair in such boatshed and skids, requiring the licensees within a reasonable time to be therein prescribed, to make good or repair the same, the licensees shall, with all convenient speed, cause such defect to be removed, or such repairs to be made.

7. Nothing herein contained shall authorize the licensees 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 thereunder, and that are now or may hereafter be in force.

8. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 6th day of October, 1927, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. The rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the licensees 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 licensees in New Zealand.

10. The licensees shall be liable for any injury which may be caused at the said boatshed and skids to any vessel or boat through any default or neglect on the part of the licensees.

11. In case the licensees 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 boatshed and skids for a period of thirty days;

(3) Fail to pay the sums 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 may be revoked and determined by the Governor-General in Council without any notice to the licensees or any other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees 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 licensees shall, if required by the Minister so to do, remove the said boatshed and skids entirely from the site, and restore the site to its original condition within three months from the date of the revocation or expiry, as the case may be; and if the licensees fail so to do, the Minister may cause the said boatshed and skids to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensees.

C. A. JEFFERY,

Acting Clerk of the Executive Council.

Reserve in the Canterbury Land District brought under the Tourist and Health Resorts Control Act, 1908.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 26th day of September, 1927.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

BY virtue of the powers and authorities conferred upon me by the sixth section of the Tourist and Health Resorts Control Act, 1908, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, and with the advice and consent of the Executive Council of the said Dominion, do hereby order and declare that the reserve for recreation in the Canterbury Land District, described in the Schedule hereto shall be and the same is hereby brought under the operation of and declared to be subject to the provisions of the Tourist and Health Resorts Control Act, 1908; and such reserve shall hereafter be managed, administered and dealt with in manner directed by the said Act.

SCHEDULE.

ALL that area in the Canterbury Land District containing by admeasurement 18,900 acres, more or less, being Reserve No. 4174, situated in Blocks II, III, IV, VII, VIII, and IX of Torlesse Survey District, and Blocks I and IV, Cook Survey District, and Blocks I and II of Godley Survey District, and bounded as follows: Commencing at a point on the boundary between the Land Districts of Canterbury and Westland and being the summit of McClure Peak; thence southerly along the western boundary of the Ashburton County to its junction with the northern boundary of Run No. 78; thence westerly along the said boundary to a point due west of Trig. Station L; thence due west to a point on the eastern boundary of Run No. 80; thence north-westerly, southerly, and easterly to a point opposite the easternmost extremity of Reserve No. 2756; thence due west to the said easternmost extremity of Reserve No. 2756; thence north-westerly along the north-eastern boundary of the said reserve to the boundary between the Land Districts of Canterbury and Westland as aforesaid; thence north-easterly along the said boundary to the point of commencement: as the same is more particularly delineated on the plan marked L. and S. 8/8/76, deposited in the Head Office, Department of Lands and Survey, at Wellington and thereon bordered red.

C. A. JEFFERY,

Acting Clerk of the Executive Council.