

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 those parts of the foreshore shown in red on plan M.D. 4205, on the plan so deposited as aforesaid, including the reclamations already constructed, for the purpose aforesaid, 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 those parts of the foreshore, including the reclamations already constructed, shown as hereinbefore mentioned on the plan marked M.D. 4205, and deposited as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £1, and thereafter an annual sum of £5 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 20th day of January, 1928, 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, through, over, and out of the said foreshore and reclamations without payment.

5. The facings of the reclamations shall be constructed and maintained in a satisfactory manner to the satisfaction of the Minister, or such officer as he may appoint.

6. Any person authorized by the Minister may at all reasonable times enter upon the said foreshore and reclamations 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 the facing of such reclamation, 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 20th day of January, 1928, 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 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 licensees in New Zealand.

10. The licensees shall be liable for any injury which the said reclamations 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 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 foreshore and reclamations for a period of thirty days;

(3) Fail to pay the sums specified in clause 3 of these conditions; or

(4) Become bankrupt, or be brought under the operation of any law, for the time being in force, relating to bankruptcy;

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

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

Licensing Roderick McArthur McIntosh to use and occupy a Part of the Foreshore and Land below Low-water Mark at Totara North, Whangaroa Harbour, as a Site for a Wharf.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of February, 1928.

Present:

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the thirteenth day of October, one thousand nine hundred and thirteen, and published in the *New Zealand Gazette* No. 77, of the sixteenth day of the same month, Duncan McCheyne McIntosh was licensed to use and occupy a part of the foreshore and land below low-water mark at Totara North, Whangaroa Harbour, as a site for a wharf, erected in accordance with the plan marked M.D. 2294, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the first day of October, one thousand nine hundred and thirteen:

And whereas Duncan McCheyne McIntosh has died, and the license was, with the consent of the Minister of Marine, transferred to Roderick McArthur McIntosh, who with his executors, administrators, and assigns is hereinafter referred to as "the licensee":

And whereas the licensee has 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 licensee 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 licensee 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 wharf thereon, such license to be held and enjoyed by the licensee 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.