

power in this behalf conferred upon him by that section, 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 hereby prohibit, for the period of one year from the date of this Order in Council, all alienation of the Native land specified in the Schedule hereto other than alienation in favour of the Crown.

#### SCHEDULE.

##### HUKATERE SURVEY DISTRICT.

Block.	Approximate Area.	A. R. P.		
		A.	R.	P.
POUTO 2E 4C, Blocks XIII and XIV	..	350	0	0
.. 2E 4D ..	..	320	0	0

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

*Licensing Henry George Rose to use and occupy a Part of the Foreshore at Horeke, Waihou River, as a Site for a Shed.*

CHARLES FERGUSSON, Governor-General.

#### ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of May, 1928.

Present :

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

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Henry George Rose, of Horeke (who with his executors, administrators, and assigns, is hereinafter referred to as "the licensee") 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 below low-water mark at Horeke, on the Waihou River, in Hokianga Harbour, as a site for a shed, and, in accordance with the one-hundred-and-seventy-first section of the said Act, has deposited plans in the office of the Marine Department at Wellington (marked M.D. 6321), showing the place where it is intended to construct such shed, the area of foreshore and land below low-water mark intended to be occupied for such purpose, and the manner in which it is proposed to erect the said shed on the site marked number 3 of the said plans:

And whereas it has been made to appear to the Governor-General in Council that the proposed work will not be or tend to the injury of navigation, and the said plans have, prior to the making of this Order in Council, been approved by the Governor-General in Council:

And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the licensee 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 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 which is particularly shown and delineated as site number 3 on sheet number 1 on the plans so deposited as aforesaid, for the purposes of maintaining thereon a shed constructed in accordance with the said plan, 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.

- 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 the 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.
- The concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the

foreshore and land below low-water mark necessary for the erection of the shed as shown as site No. 3 of the plans M.D. 6321 (sheet No. 1).

3. In consideration of the concessions and privileges granted by this Order in Council the licensee 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 in each year, the proportionate part of such annual rental in respect of the period from the date hereof until the 31st day of March following to be paid on the licensee 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 shed without payment.

5. The licensee shall maintain the above-mentioned shed in good order and repair, and shall at all times exhibit therefrom, and maintain at the licensee's own cost, any lights that may be required by the Minister; provided that no light shall be exhibited until after it has been approved of by the Minister.

6. Any person authorized by the Minister may at all reasonable times enter upon the said shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensee in New Zealand a notice in writing of any defect or want of repair in such shed, requiring the licensee, within a reasonable time, to be therein prescribed; to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the licensee 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 this Order in Council shall continue in force for fourteen 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 previous written consent of the Minister first obtained.

9. 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 shed at the licensee's own 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:

10. The licensee shall be liable for any injury which may be sustained by any vessel or boat in passing the shed, or by contact therewith, and which may be occasioned by any default or neglect on the licensee's part.

11. In case the licensee shall—

- (1) Commit or suffer a breach of the conditions hereinafter set forth, or any of them;
- (2) Cease to use or occupy the said shed 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 right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensee or other proceedings 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 rights and privileges thereby 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 licensee shall, if required by the Minister so to do, remove the said shed 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 shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

13. The erection of the shed shall be deemed to be an acceptance by the licensee of the conditions of this Order in Council.

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