

10. In case the Council shall—

- (1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- (2) Cease to use or occupy the said wharf and shed for a period of thirty days;

then, and in any of the said cases, this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General in Council without any notice to the Council or other proceedings whatever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

11. 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 Council shall, if required by the Minister so to do, remove the said wharf and 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 Council fails so to do, the Minister may cause the said wharf and shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

12. The erection of the wharf and shed shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

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

Licensing the Dargaville Sawmilling Co., Ltd., to use a Part of the Foreshore and Land below Low-water Mark at Awakino Creek, on the Wairoa River, Kaipara, as a Site for Timber-booms.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of July, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called "the said Act"), the Dargaville Sawmilling Co., Ltd. (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 said Act to use and occupy a part of the foreshore and land below low-water mark at Awakino Creek, on the Wairoa River, Kaipara, in order to maintain thereon timber-booms erected in accordance with plan marked M.D. 6796, 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 expedient that a license should be granted and issued to the company under the said Act, for the purposes 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 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 on which the said timber-booms are erected, as shown on the plan M.D. 6796, deposited as aforesaid, for the purpose of maintaining the said timber-booms; 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—

"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:

"Foreshore" means such part 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.

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 maintenance of the said timber-booms as shown on the plan marked M.D. 6796, 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 £5 in advance, payable on the first day of April in each year, the first of such annual payments to be paid on the company being supplied with a copy of this Order in Council.

4. His Majesty or the Governor-General, and all persons in the Government service acting and in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said timber-booms without payment.

5. The company shall maintain the above-mentioned timber-booms in good order and repair; and shall at all times exhibit therefrom, and maintain at the company's own cost, suitable and necessary rights for the guidance of vessels; provided that no light shall be exhibited until after it has been approved of by the Minister.

6. The company shall cause the said timber-booms to be constructed so as to provide that there shall be no unnecessary delay in allowing the passage of vessels and boats.

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

8. 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.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 1st of July, 1930, 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.

10. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the timber-booms at the company's own cost, 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 address of the company in New Zealand.

11. The company shall be liable for any injury which the said timber-booms may cause any vessel or boat to sustain through any default or neglect on the company's part.

12. 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 timber-booms for a period of thirty days;
- (3) Fail to pay the sum 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 thereby conferred, may be revoked and determined by the Governor-General in Council without any notice to the company or other proceedings 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.

13. 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 the said timber-booms 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 company fails so to do, the Minister may cause the said timber-booms to be removed and the site