

Licensing the Kauri Timber Company, Limited, to use and occupy Part of the Foreshore of Pupuke River, Whangaroa, as a Site for Timber Booms.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of December, 1930.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, by Order in Council dated the nineteenth day of April, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette*, No. 59, of the twenty-ninth day of the same month, the Kauri Timber Company, Limited (who with its successors and assigns is hereinafter called "the company"), was licensed to use and occupy for a term of fourteen years computed from the twenty-ninth day of March, one thousand nine hundred and fifteen, *inter alia*, part of the foreshore of the Pupuke River as a site for timber booms in accordance with plans marked M.D. 1150 and 1151, and deposited in the office of the Marine Department at Wellington :

And whereas the said license has expired and the company has applied, in so far as it affects or applies to the foreshore of the Pupuke River, for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of three years, and it is desirable 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 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 and 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 which is particularly shown and delineated on plans M.D. 1150 and 1151, so deposited as aforesaid, for the purpose of maintaining thereon the said timber booms erected in accordance with the said plan, 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 terms—

"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 :

"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 occupied by the said timber booms as shown on plans marked M.D. 1150 and 1151.

3. In consideration of the concessions and privileges granted by this Order in Council the company 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 each year.

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, and out of the said timber booms without payment.

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

6. Should it at any time be made to appear to the Minister that the means of providing proper passage for vessels and boats are insufficient, the Minister may by a notice in writing left at or posted to the last known address of the company in New Zealand require the company to provide such means as may be specified in such notice, and the company shall thereupon with all convenient speed cause such means to be provided.

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 the said timber booms, requiring the company, within a reasonable time to be therein prescribed, to repair the same, the company shall with all convenient 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 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 to be in force for three years from the 27th day of March, 1929, 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 said timber booms at the company's 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) Be in any manner wound up or dissolved ;
- (4) Fail to pay the sum 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 other proceeding whatsoever ; 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, or any of them, 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 company fails so to do the Minister may cause the said timber booms to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

14. The occupation of the said timber booms shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.

Opening Lands in the Auckland Land District for Sale or Selection.

BLEDISLOE, Governor-General.

IN pursuance and exercise of the powers and authorities conferred upon me by the Land Act, 1924, and the amendments thereof, I, Charles, Baron Bledisloe, Governor-General of the Dominion of New Zealand, having received the report of the Under-Secretary in this behalf, as provided by section one hundred and seventy-six of the said Act, do hereby declare that the lands described in the Schedule hereto shall be open for sale or selection on Friday, the twentieth day of February, one thousand nine hundred and thirty-one ; and also that the lands mentioned in the said Schedule may, at the option of the applicant, be purchased for cash or on deferred payments, or be selected on renewable lease ; and I do hereby also fix the prices at which the said lands shall be sold, occupied, or leased as those mentioned in the said Schedule hereto, and do declare that the said lands shall be sold, occupied, or leased under and subject to the provisions of the Land Act, 1924, and the amendments thereof.

SCHEDULE.

AUCKLAND LAND DISTRICT.—THIRD-CLASS LAND.

Kawhia County.—Kawhia South Survey District.

SECTION 3, Block XV : Area, 523 acres. Capital value, £150. Deposit on deferred payments, £10 ; half-yearly instalment on deferred payments, £4 11s. Renewable lease : Half-yearly rent, £3.