

a line across Maclean Street, being the production of south-west boundary of Section 496 aforesaid; again towards the west by Maclean Street, across Thornton Road, and by Maclean Street aforesaid; again towards the south by Taylor Street East, across Robinson Street, by the said Taylor Street East, across Bowen Street, by the said Taylor Street East, across Victoria Street and the Hamilton-Cambridge Railway, and by Taylor Street West, and across a public road to the easternmost corner of Section 16 of the Town Belt of Cambridge East; again towards the east by Vogel Street, across Hamilton Road, by the said Vogel Street, across a public road, and by the said Vogel Street; again towards the south by the Waikato River; again towards the west by Allotments 161 and 161A, and again by Allotment 161, aforesaid Parish of Hautapu, across Hamilton Road, and by Allotments 1 and 18 of the aforesaid parish, and across Vogel Street to the south-west corner of Allotment 184, Parish of Hautapu: save and excepting the several roads intersecting the above-described land.

A. W. MULLIGAN,

Acting Clerk of the Executive Council.

(L. and S. 1/418.)

*Licensing the Tauranga Borough Council to use and occupy Part of the Land below Low-water Mark of Tauranga Harbour as a Site for Baths.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of December, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section one hundred and sixty-nine of the Harbours Act, 1923 (hereinafter called "the said Act"), it is provided, *inter alia*, that no Harbour Board or authority shall place any pile or other structure in or upon any part of the bottom or bed of any harbour without the sanction of the Governor-General in Council first obtained:

And whereas the Tauranga Borough Council (hereinafter called "the Council," in which term is to be construed, unless the context requires a different construction, its successors and assigns) has applied to the Governor-General in Council for his sanction to construct baths in Tauranga Harbour in accordance with a plan marked M.D. 6877, 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 desirable that the erection of the said baths should be sanctioned and a license issued to the Council under the said Act for the purpose 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 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 sanction the erection of the said baths; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license the Council to use and occupy that part of the land below low-water mark in Tauranga Harbour, which is particularly shown and delineated on plan M.D. 6877, so deposited as aforesaid, for the purpose of erecting and maintaining thereon the said baths to be erected in accordance with the said plan, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

CONDITIONS OF MANAGEMENT.

- In these conditions the terms—  
 "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.
- The concessions and privileges conferred by this Order in Council shall extend and apply to the part of the land

below low-water mark adjacent thereto necessary for the erection and maintenance of the said baths, at the site shown on the plan marked M.D. 6877.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall pay to the Minister an annual rental of one shilling, payable on demand.

4. All His Majesty's subjects shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned baths, and rights of ingress and egress thereto and therefrom.

5. 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 baths without payment.

6. The Council shall maintain and keep the above-mentioned baths and all erections on or in connection with the baths in good order and repair; and shall at all times exhibit therefrom, and maintain at the Council's own cost, suitable and necessary lights for the guidance of vessels: Provided that no light shall be exhibited until after it has been approved of by the Minister.

7. All dues and rates received on account of the said baths by the Council shall be applied to keeping the said baths and all erections on or in connection with such baths in good order and repair.

8. Any person authorized by the Minister may at all reasonable times enter upon the said baths and any buildings erected 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 Council in New Zealand a notice in writing of any defect or want of repair in such baths or buildings requiring the Council, within a reasonable time to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

9. The Council shall keep a separate account of the receipts and expenditure on account of such baths and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall supply any particulars in reference thereto as may be required by the Minister.

10. The Council shall appoint all officers necessary for the working and management of the said baths.

11. Nothing herein contained shall authorize the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations 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.

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

13. 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 Council 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 Council in New Zealand.

14. The Council shall be liable for any injury which may be caused at the said baths to any vessel or boat through any default or neglect on the part of the Council.

15. In case the Council shall—

- Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- Cease to use or occupy the said baths for a period of thirty consecutive days;

then, and in either 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 Council 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 Council and to all persons concerned or interested that this Order in Council, and the licenses, rights, and privileges thereby granted and conferred have been revoked and determined.

16. 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 baths 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 Council fails so to do the Minister may cause the said baths to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

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