

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said fish-freezing works and view the state of repair thereof, and upon such Minister leaving at or posting to the last-known registered office of the company in New Zealand a notice in writing of any defect or want of repair in such fish-freezing works, 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.

7. 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the first day of April, one thousand nine hundred and thirty-four, 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.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, 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 registered office of the company in New Zealand.

10. The company shall be liable for any injury which the said fish-freezing works may cause any vessel or boat to sustain through any default or neglect on the company's part.

11. 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 fish-freezing works for the purpose aforesaid for a period of thirty consecutive days;
- (3) Be in any manner wound up or dissolved; or
- (4) Fail to pay the sums specified in clause 3 of these conditions—

then, and in any of the said cases, this Order in Council, and every license, right, power, and privilege thereby conferred 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 *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company and to all other 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 company shall, if required by the Minister so to do, remove the said fish-freezing works 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 fish-freezing works to be removed and the site so restored, and may recover from the company the costs incurred by the said removal and restoration.

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

*Licensing T. M. Lane and Sons (Limited) to use and occupy a Part of the Foreshore of Whangaroa Harbour as a Site for a Sawmill and Shed.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 31st day of March, 1937.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, do hereby license and permit T. M. Lane and Sons (Limited), of Totara North (hereinafter called "the company," which term shall include its executors, administrators, and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore and land below low-water mark of

Whangaroa Harbour, shown on plans marked M.D. 2229A and 2251, approved on the thirtieth day of March, one thousand eight hundred and ninety-nine, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the sawmill and shed as shown on the said plans for a term of fourteen years computed from the thirty-first day of March, one thousand nine hundred and thirty-seven, 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 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 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 the part of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said sawmill and shed at the site shown on the plan marked M.D. 2229A.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy of this Order in Council, pay to the Minister the sum of £1, and thereafter an annual sum of £2 10s. in advance, payable on the 1st day of April in each year.

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

5. The company shall maintain the above-mentioned sawmill and shed in good order and repair.

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

7. 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 31st day of March, 1937, 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.

9. 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 sawmill and shed 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 registered office of the company in New Zealand.

10. The company shall be liable for any injury which the said sawmill and shed may cause any vessel or boat to sustain through any default or neglect on the company's part.

11. 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 sawmill and shed for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions;
- (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 whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company and to all persons concerned or interested