

## SCHEDULE.

SOUTH RAKAIA DOMAIN.—CANTERBURY LAND DISTRICT.  
RESERVE No. 2986, Town of South Rakaia: Area, 5 acres, more or less.

Reserve No. 2537, Block XIII, Rakaia Survey District: Area, 101 acres, more or less.

Also all that area containing by admeasurement 49 acres, more or less, and being part Reserve 2442, situated in Block XIII, Rakaia Survey District: Bounded towards the north-east by Normanby Road, 2000 links; towards the south-east by South Rakaia Suburban Lots 31 to 36, Block V, 2500 links; towards the south-west by the South Rakaia Road, 64 links; towards the north-west, again towards the south-west, towards the south, and again towards the south-east by other part of the said Reserve 2442 set apart as a site for a maternity hospital, 350 links, 250 links, 141.4 links, and 250 links, respectively; again towards the south-east by the South Rakaia Road, 1636 links; and again towards the north-west by South Rakaia Suburban Lots 19 and 20, Block V, 2500 links.

As the same are more particularly delineated on plan L. and S. 1/412, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

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

(L. and S. 1/412.)

*Licensing the Northern Wairoa Co-operative Dairy Company, Limited, to use and occupy a Part of the Foreshore and Land below Low-water Mark at Mangawhare, Northern Wairoa River, Kaipara Harbour, as a Site for a Slipway.*

GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 28th day of May, 1937.

Present:

THE HON. P. FRASER PRESIDING 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, doth hereby license and permit the Northern Wairoa Co-operative Dairy Company, Limited, of Mangawhare (hereinafter called "the company," which term shall include its successors 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 at Mangawhare, Northern Wairoa River, in the Kaipara Harbour, as shown on plan marked M.D. 5633, approved on the twenty-seventh day of April, one thousand nine hundred and twenty-three, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the slipway as shown on 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 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 slipway at the site shown on the plan marked M.D. 5633.

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 £2, in advance, payable on the 1st day of April in each year, the proportionate part of such rental in respect of the period from the 27th day of April, 1937, until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

4. All persons shall at all reasonable times and upon payment of the proper dues have free and full liberty to use the said slipway and all rights of ingress and egress thereto and therefrom.

5. 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 slipway without payment.

6. The company shall maintain the above-mentioned slipway in good order and repair, and shall at all times exhibit therefrom and maintain at the company'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 by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said slipway 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 slipway 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.

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 master of all vessels discharging ballast at the said slipway shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved by the Minister or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 27th day of April, 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.

11. 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 slipway 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.

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

13. 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 slipway for a period of thirty consecutive days;
- (3) Fail to pay the sum 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 that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

14. 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 slipway 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 slipway to be removed and the site so restored, and may recover from the company the costs incurred by the said removal and restoration.

15. The occupation of the said slipway 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.