

SECOND SCHEDULE.

ELECTRIC lines adapted for the supply of electrical energy by the system of supply hereinbefore described within the areas added to the Wairere Electric-power District by Proclamations dated the 10th day of September, 1931, and published in the *New Zealand Gazette* of the 24th day of September, 1931, at page 2849, and also, the 19th day of June, 1936, and published in the *New Zealand Gazette* of the 25th day of June, 1936, at page 1222, the electric lines now proposed to be erected being shown by means of red lines on plan P.W.D. 95437, deposited in the office of the Minister of Public Works at Wellington.

C. A. JEFFERY,
Clerk of the Executive Council.

(P.W. 26/1176/1.)

Licensing Donald John McKay to use and occupy a Part of the Foreshore of Mangonui Harbour as a Site for a Store, Warehouse, and Offices.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of April, 1938.

Present :

THE RIGHT HON. M. J. SAVAGE 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 Donald John McKay, of Mangonui (hereinafter called "the licensee," which term shall include his executors, administrators, and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore of Mangonui Harbour, as shown on plan marked M.D. 3027, approved on the seventh day of January, one thousand nine hundred and seven, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of a store, warehouse, and offices (hereinafter called the said structures), as shown on the said plan, such license to be held and enjoyed by the licensee 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 structures at the site shown on the plan marked M.D. 3027.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall pay to the Minister the sum of £1, and thereafter an annual sum of £8 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 24th day of March, 1938, until the 31st day of March following to be paid on the licensee 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 in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said structures without payment.

5. The licensee shall maintain the above-mentioned structures in good order and repair, and shall at all times exhibit therefrom and maintain at the licensee'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.

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

7. Nothing herein contained shall authorize the licensee 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 24th day of March, 1938, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority ; and the licensee 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 licensee may be required to remove the structures at the licensee's own cost, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

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

11. In case the licensee 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 structures for a period of thirty consecutive days ;
- (3) Fail to pay the sums specified in clause 3 of these conditions ; or
- (4) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy—

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 licensee or other proceedings whatsoever ; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee 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.

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

13. The occupation of the said structures shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

C. A. JEFFERY,
Clerk of the Executive Council.

Licensing Phoebe Ethel Buckland to use a Part of the Foreshore of Kaipara Harbour as a Site for a Wharf and prescribing Dues for Use of Same.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of April, 1938.

Present :

THE RIGHT HON. M. J. SAVAGE 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 Phoebe Ethel Buckland (hereinafter called "the licensee," which term shall include her administrators, executors, 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 Kaipara Harbour, as shown on plans marked M.D. 1236, 1237, and 1238, approved on the first day of September, one thousand eight hundred and eighty-six, and plan marked M.D. 1899, approved on the fourth day of December, one thousand eight hundred and ninety-three, and deposited in the office of the Marine Department at Wellington, for the purpose of