

Authorizing the Auckland Harbour Board to reclaim Land near the Site of the Proposed Export Wharf, Auckland Harbour.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of September, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is provided by section one hundred and sixty-eight of the Harbours Act, 1923 (hereinafter called "the said Act"), that the Governor-General may from time to time, by Order in Council, authorize any local authority or Harbour Board to reclaim from the sea, areas not exceeding five acres in extent, in any case where he considers that the reclamation will not affect navigation and is for the benefit of the public :

And whereas the Auckland Harbour Board (hereinafter called "the Board") is desirous of reclaiming from the sea certain land near the site of the proposed export wharf, Auckland Harbour, and the said reclamation is of such a nature as aforesaid, and the Board has applied to the Governor-General in Council for an order authorizing the execution of the said harbour works :

And whereas it has been made to appear to the Governor-General in Council that the proposed work will not be or tend to the injury of navigation, and is for the benefit of the public :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby authorize and empower the Board to reclaim from the sea near the site of the proposed export wharf, Auckland Harbour, the area of land shown edged red on plan marked M.D. 7745, and deposited in the office of the Marine Department at Wellington, such reclamation to be carried out and constructed in accordance with the said plan marked M.D. 7745.

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

Licensing the Dargaville Sawmilling Company, Ltd., to use and occupy a Part of the Foreshore and Land below Low-water Mark at Dargaville on the Wairoa River, Kaipara Harbour, as a Site for a Timber-boom.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of September, 1938.

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, doth hereby license and permit the Dargaville Sawmilling Company, Ltd., of Dargaville (hereinafter called "the company," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy all that part of the foreshore and land below low-water mark at Dargaville on the Wairoa River, Kaipara Harbour, shown on plan marked M.D. 5893, approved on the ninth day of September, one thousand nine hundred and twenty-four, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of a timber-boom as shown on the said plan for a term of fourteen years computed from the ninth day of September, one thousand nine hundred and thirty-eight, 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 necessary for the maintenance of the said timber-boom as shown on plan M.D. 5893.

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 first day of April in each year, the proportionate part of such rental in respect of the period from the 9th day of September, 1938, until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

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-boom without payment.

5. The company shall maintain the above-mentioned timber-boom in good order and repair and shall at all times exhibit from the said timber-boom, 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 of by the Minister.

6. The company shall keep the timber-boom and the waterway of the river clear of all debris produced by the company's workings.

7. The company shall make provision for the safe and expeditious passage of vessels and boats through the said timber-boom.

8. Any person authorized by the Minister may, at all reasonable times, enter upon the said timber-boom 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 timber-boom 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.

9. 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.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 9th day of September, 1938, 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 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 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 timber-boom 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 timber-boom 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 right, power, or privilege 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 timber-boom 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 company fails so to do, the Minister may cause the said timber-boom 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 timber-boom shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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