

Partial Revocation of Order in Council vesting Land owned by Natives in a Maori Land Board for non-payment of Rates.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February, 1940.

Present:

THE HON. H. G. R. MASON PRESIDING IN COUNCIL.

PURSUANT to section sixty-three of the Native Purposes Act, 1931, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby revoke the Order in Council referred to in Part I of the Schedule hereto, in so far as it affects the land mentioned in Part II of the said Schedule.

SCHEDULE.

PART I.

ORDER in Council under section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, made on the 5th day of December, 1929, and published in the *Gazette* on the 12th day of December, 1929, at page 3230.

PART II.

Block.	Area:	
	A.	R. P.
Makuratawhiti 8B 1 1 1 8
Makuratawhiti 1B 2c 0 3 18.8

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

Licensing the Kauri Timber Company, Limited, to use and occupy a Part of the Foreshore of Whangaparapara Harbour, Great Barrier Island, as a Site for a Dolphin and Booms.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February, 1940.

Present:

THE HON. H. G. R. MASON 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 Kauri Timber Company, Limited, of Auckland (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 of Whangaparapara Harbour, Great Barrier Island, as shown on plan marked M.D. 6112, approved on the first day of February, one thousand nine hundred and twenty-six, and deposited in the office of the Marine Department at Wellington, for the purpose of the erection of a dolphin and booms thereon (hereinafter referred to as "the said structures") 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 structures at the site shown on the plan marked M.D. 6112.

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 1st day of April in each year, the proportionate part of such rental in respect of the period from the 1st day of February, 1940, 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 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 company shall maintain the above-mentioned structures 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 of 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 registered office of the company in New Zealand a notice in writing of any defect or want of repair in such structures 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. The company shall maintain the said structures in such a manner so as to provide that there shall be no unnecessary delay in allowing the passage of vessels and boats.

8. Should it at any time be made to appear to the Minister that the means of providing proper passage for vessels and boats are insufficient, the Minister may, by notice in writing left at or posted to the last-known registered office of the company, require the company to provide such means as may be specified in such notice; and the company shall thereupon, with all convenient speed, cause such means to be provided.

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 1st day of February, 1940, 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 said structures 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 structures 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 structures for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (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.