

the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

5. The said rights, powers, and privileges may be at any time resumed by the Governor, and the licensees may be required to remove the fish-shed at their own cost, without payment of any compensation whatever, on giving to the licensees 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 licensees in New Zealand.

6. The licensees shall maintain the above-mentioned fish-shed in good order and repair, and shall at all times exhibit therefrom, and maintain at their 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.

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

8. The licensees shall be liable for any injury which may be sustained by any vessel or boat in passing the shed or by contact with it, and which may be occasioned by any default or neglect on their part.

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

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 in Council without any notice to the licensees or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees, and to all persons concerned or interested, that this Order in Council, and the rights and privileges thereby conferred, have been revoked and determined; and upon such revocation the Minister may cause the said fish-shed, and all other erections or buildings thereto belonging, to be removed, and may recover the cost incurred by any such removal from the licensees.

10. The erection of the fish-shed shall be deemed to be an acceptance by the licensees of the conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council.

Licensing T. Hartley and Son to use and occupy a Part of the Foreshore and Land below Low-water Mark in the Mangamuka River, Hokianga Harbour, as a Site for Timber-booms.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this first day of July, 1913.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Thomas Hartley and Thomas Francis Hartley, trading under the style or title of Thomas Hartley and Son (hereinafter called "the licensees"), have applied to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark in the Mangamuka River, Hokianga Harbour, in order to construct and maintain thereon timber-booms; and, in accordance with the one-hundred-and-fiftieth section of the said Act, have deposited a plan in the office of the Marine Department, at Wellington (marked M.D. 4090), showing the place where it is intended to construct such timber-booms, the area of foreshore and land below low-water mark intended to be occupied for such purpose, and the manner in which it is proposed to carry out the work:

And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the

injury or navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor in Council: And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the licensees on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the licensees as aforesaid; and, in further pursuance and exercise of the said power and authority, and by and with the like advice and consent as aforesaid, doth hereby license and permit the licensees to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of constructing thereon timber-booms in accordance with the said plan, such license to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the term "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 to the part of the foreshore and land below low-water mark necessary for the construction of the timber-booms, as shown on plan M.D. 4090.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 in advance, such annual payments to date from the date hereof, the first of such payments to be made on the company being supplied with a copy of this Order in Council.

4. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years from the date hereof, 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 previous written consent of the Minister first obtained.

5. His Majesty or the Governor, 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, over, and out of the said timber-booms without payment.

6. The said rights, powers, and privileges may be at any time resumed by the Governor, and the licensees may be required to remove the timber-booms at their own cost, without payment of any compensation whatever, on giving to the licensees three months' previous notice in writing. Any notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the licensees in New Zealand.

7. The licensees shall maintain the above-mentioned timber-booms in good order and repair, and shall at all times exhibit therefrom, and maintain at their own cost, any lights that may be required by the Minister; provided that no light shall be exhibited until after it has been approved of by the Minister.

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

9. The licensees shall be liable for any injury which may be sustained by any vessel or boat in passing the timber-booms or by contact therewith, and which may be occasioned by any default or neglect on the part of the licensees.

10. In case the licensees 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-booms for a period of thirty 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,—