

scribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. 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 regulations of the Minister of Customs, or with any provisions of the Harbours Act, 1908, 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 the term of fourteen years, computed from the date hereof, 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 previous written consent of the Minister first obtained.

9. The said rights, powers, and privileges may be at any time resumed by the Governor, 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 address of the company.

10. The company shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on the part of the company.

11. 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 wharf 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 2 of these conditions,—

then and in any such case this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor in Council without any notice to the company 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 company, and to all persons concerned or interested, that this Order in Council, and the license, right, and privileges thereby granted and conferred, have been revoked and determined.

12. 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.

J. F. ANDREWS,
Clerk of the Executive Council

Licensing F. W. Arnold to use and occupy a Part of the Foreshore of Whangaroa Harbour, as a Site for Store and a Canning-shed.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this fifteenth day of September, 1913.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned, F. W. Arnold, of Whangaroa (hereinafter called "the licensee"), has 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 of Whangaroa Harbour in order to maintain thereon a store and a canning-shed, erected in accordance with plan marked M.D. 2294, and deposited in the office of the Marine Department at Wellington: 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 of 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 licensee 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 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 licensee as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the licensee to use and occupy that part of the foreshore which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of maintaining thereon a store and canning-shed, erected in accordance with 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 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 only to the part of the foreshore required for the store and canning-shed as shown on the said plan marked M.D. 2294.

3. In consideration of the concessions and privileges granted by this Order in Council the licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 in advance, such annual payments to date from the date hereof, and the first such payment to be made on the licensee 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, computed from the date of this Order in Council, 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. The said rights, powers, and privileges may be at any time resumed by the Governor, and the licensee may be required to remove the store and the canning-shed at his 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.

6. The licensee shall maintain the above-mentioned store and the canning-shed in good order and repair, and shall at all times exhibit therefrom, and maintain at his 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 store or canning-shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensee a notice in writing of any defect or want of repair in such store or canning-shed, requiring him within a reasonable time, to be therein prescribed, to repair the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. The licensee 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 his part.

9. 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 premises 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 licensee 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 licensee, 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 premises to be removed, and may recover the cost incurred by any such removal from the licensee.

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