

Licensing Messrs. Alexander George Jarrett, Richard Tout, and Frank Woodhouse (as Trustees) to occupy a Part of the Foreshore at Birkdale, Auckland Harbour, as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-sixth day of September, 1913.

Present :

THE HONOURABLE W. F. MASSEY PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Alexander George Jarrett, Richard Tout, and Frank Woodhouse, as trustees for the inhabitants of the district (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 at Birkdale, in Auckland Harbour, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fiftieth section of the said Act, have deposited plans in the office of the Marine Department, at Wellington (marked M.D. 4111), showing the place where it is intended to erect such wharf, the area of the foreshore and land below low-water mark to be occupied for such purpose, and the manner in which it is proposed to erect the wharf: 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 plans have, prior to the making of this Order in Council, been approved by the Governor in Council, without modification or addition: 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 set forth:

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 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 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 are particularly shown and delineated on the plans marked M.D. 4111 so deposited as aforesaid, for the purpose of constructing or erecting thereon a wharf, 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 only to the part of the foreshore, and land below low-water mark necessary for the erection of such wharf, which are shown on the plans marked M.D. 4111, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall pay to the Minister an annual sum of 1s., payable on demand.

4. 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 wharf without payment.

5. The licensees shall maintain the above-mentioned wharf 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.

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

7. Nothing herein contained shall authorize the licensees 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, 1908, or its amendments, or any regulations made thereunder, and that are now or may thereafter 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 date hereof, unless in 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 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 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 licensees or any of them.

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

11. In case the licensees or any of them 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 the purposes aforesaid; or

(3.) Fail to pay the sum specified in clause 3 of these conditions,—

then and in either 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 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 license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. The erection of the said wharf shall be sufficient evidence of the acceptance by the licensees of the terms and conditions of this Order in Council.

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

Licensing the Richmond Cruising Club to use and occupy a Part of the Foreshore of Auckland Harbour as a Site for a Boat-shed and Skids.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this sixth day of October, 1913.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Richmond Cruising Club (hereinafter called "the licensees") have applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark at Ponsonby, in Auckland Harbour, in order to erect and maintain a boat-shed and skids thereon; 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. 4125), showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said boat-shed and skids: 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 should be granted and issued to the licensees under the said Act for the purpose last aforesaid, 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 by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the object for which the said license is required by