

10. 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 licensee.

11. The licensee shall be liable for any injury which the said jetties or either of them may cause any vessel or boat to sustain through any default or neglect on his part.

12. 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 jetties or either of them 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,—

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 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. The erection of the said jetties, or either of them, shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

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

Licensing John Hawthorn McCarroll to use and occupy a Part of the Foreshore of Wairoa River, Kaipara Harbour.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-sixth day of February, 1914.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, John Hawthorn McCarroll, of Aratapu (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 and land below low-water mark of Wairoa River, in Kaipara Harbour, as shown on plans marked M.D. 1718, and deposited in the office of the Marine Department, at Wellington, as a site for a wharf erected in accordance with the said plans; And whereas it is expedient that a license should be granted and issued to the licensee under the said Act, for the purpose 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 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 and land below low-water mark which is particularly shown and delineated in red on the plan so deposited as aforesaid, as a site for a wharf erected in accordance with plans marked M.D. 1718; 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 and land below low-water mark necessary for the erection of such wharf as shown in red on the plan marked M.D. 1718, and deposited in the office of the Marine Department as aforesaid.

3. 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 licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

4. 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 £2, in advance, dating from the date hereof; the first of such annual payments to be made on the licensee being supplied with a copy of this Order in Council.

5. All persons shall at all reasonable times, upon payment of the proper dues, have free and full liberty to use the wharf and all rights of ingress and egress thereon and therefrom.

6. The Governor in Council may from time to time fix such payments as he shall deem reasonable to be paid to the licensee by any private persons for the use of such wharf, and of all lines of railway, cranes, or other appliances that may be on such wharf or foreshore.

7. 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, and out of the wharf without payment.

8. The licensee shall maintain the above-mentioned wharf 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.

9. 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 licensee a notice in writing of any defect or want of repair in such wharf, requiring the licensee, within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

10. Nothing herein contained shall authorize the licensee to do or cause to be done anything repugnant to or inconsistent with any law or regulation relating to the Customs, or any regulation of the Commissioner of Trade and 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.

11. The ballast of all vessels loading at the said wharf shall be taken away by the licensee and deposited above high-water mark, or at such place as may be approved of by the Harbourmaster at Kaipara, by the Minister, or by any person appointed by the Minister for that purpose.

12. 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 licensee in New Zealand.

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

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

then and in any of the said cases this Order in Council, and every license, right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the licensee or other proceedings 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 license, rights, and privileges hereby granted to the licensee, have been revoked and determined.

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