

lation 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.

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

7. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for 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 Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

8. 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 Council 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 Council in New Zealand.

9. The Council shall be liable for any injury which the said hopper may cause any vessel or boat to sustain through any default or neglect on the Council's part.

10. In case the Council shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- (2.) Cease to use or occupy the said hopper for a period of thirty days,—

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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

11. The erection of the hopper shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

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 R. W. Wells to occupy a Part of the Foreshore at Wakatahuri, Sounds County, as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-first day of September, 1914.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, R. W. Wells (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 at Wakatahuri, Sound County, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department at Wellington (marked M.D. 4297), showing the place where it is intended to erect such wharf, the area of 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 licensee, on the terms and conditions set forth in the Schedule hereto:

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 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 are particularly shown and delineated on the plans marked M.D. 4297 so deposited as aforesaid, for the purpose of constructing or erecting thereon a wharf; 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, which are shown on the plans marked M.D. 4297, 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 licensee shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1, 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.

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

6. The licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at its 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 wharf and view the state of repair thereof; and upon the 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 him, within a reasonable time, to be therein prescribed, to make good the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made, as the case may be.

8. Nothing herein contained shall authorize the licensee to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regulation made thereunder, and that are now or may hereafter be in force.

9. 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 written consent of the Minister first obtained.

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 wharf 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 wharf for a period of thirty days;
- (3.) Fail to pay the sum specified in clause 3 of these conditions; or
- (4.) Becomes 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 con-