

Licensing the Use and Occupation of certain Parts of the Foreshore of Hokianga River at Rawene.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this tenth day of August, 1914.

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 persons named in the first column of the First Schedule hereto (and hereinafter called "the licensees") have applied to the Governor in Council for licenses under the said Act to occupy the parts of the foreshore at Rawene in Hokianga Harbour as described in the second column of the First Schedule hereto, and shown numbered one to five respectively on plan M.D. 4288 deposited in the office of the Marine Department at Wellington, in accordance with the one-hundred-and-fiftieth section of the said Act, for the purpose of erecting and maintaining the structures described in the third

column of the First Schedule hereto : And whereas it has been made to appear to the Governor in Council that the proposed works will not be or tend to the injury of navigation, and the plans mentioned herein have, prior to the making of this Order in Council, been approved by the Governor in Council : And whereas it is expedient that licenses should be granted and issued to the licensees under the said Act for the purposes aforesaid, on the terms and conditions set forth in the Second 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 acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purposes for which the said licenses are 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 those parts of the foreshore as shown numbered 1 to 5 inclusive on the plan deposited as aforesaid, for the purpose of erecting and maintaining the said structures thereon, such licenses to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

Names and Addresses of Licensees.	Description of Area to be occupied.	Purpose for which required, and No. of Plan of Construction.	Annual Rental.
Thomas Percival Lane, Rawene ..	Site marked No. 1, and edged red on plan M.D. 4288	General store and offices, as shown on plan M.D. 4289	£5
George Thomas Clendon, Rawene ..	Site marked No. 2, and edged red on plan M.D. 4288	Shipping office and landing-stage, as shown on plan M.D. 4290	£5
Sidney Cooper, Kohukohu ..	Site marked No. 3, and edged red on plan M.D. 4288	Factory and shop, as shown on plan M.D. 4291	£5
Thomas Hartley and Son, Kohukohu ..	Site marked No. 4, and edged red on plan M.D. 4288	Shipping office, as shown on plan M.D. 4292	£5
A. S. Andrewes and Sons, Oponui ..	Site marked No. 5, and edged red on plan 4288	Store, as shown on plan M.D. 4293	£5

SECOND SCHEDULE.

CONDITIONS.

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 parts of the foreshore necessary for the erection of the structures described in the third column of the First Schedule of this Order in Council.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, each pay to the Minister the sum of £2 10s., and the respective annual sums specified in the fourth column of the First Schedule of this Order in Council, payable in advance, dating from date hereof.

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, and out of the said erections without payment.

5. The licensees shall maintain the above-mentioned erections in good order and repair; and, in respect of their respective erections, 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 erections 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 their or his erections or erection, requiring them or him within a reasonable time, to be therein prescribed, to repair the same, they or he shall with all convenient speed cause such defect to be removed or such repairs to be made.

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 hereafter be in force.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the date hereof, unless in the mean-

time 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.

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 licensees, or either of them, 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 respect of whose rights it is given.

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

11. The erection by any of the licensees of the structures which they are respectively authorized by this Order in Council to construct shall be sufficient evidence of the acceptance by such licensees of the terms and conditions of this Order in Council.

12. In case any of 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 his respective erections 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; or
- (4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in either of the said cases every right, power, or privilege granted to him by this Order in Council 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 licensee, and to all persons concerned or interested, that the license, rights, and privileges thereby granted and conferred have been revoked and determined so far as concerns the person in respect of whom the revocation is made.

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