

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. 4185, 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 company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 in advance, dating from the date hereof, the first of such annual payments to be made on the company 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 company 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 company a notice in writing of any defect or want of repair in such wharf, requiring the company, within a reasonable time, to be therein prescribed, to make good the same, it 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 company 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 company 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 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.

11. 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.

12. In case the company shall—

(1.) Commit or suffer a breach of the conditions herein before 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.) Be in any manner wound up or dissolved,—

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 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, rights, and privileges thereby granted and conferred, have been revoked and determined.

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

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

Licensing the White Pine Company of New Zealand (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark of the Wairoa River as a Site for a Wharf-extension.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-second day of January, 1914.

Present:

THE RIGHT HONOURABLE W. F. MASSEY PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act Amendment Act, 1883, Messrs. Butler Brothers and Company did, in the year one thousand nine hundred and one, apply 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 of the Wairoa River, in Kaipara Harbour, in order to erect a wharf thereon, and, in accordance with the one-hundred-and-fifty-sixth section of the Harbours Act, 1878, deposited a plan in the office of the Marine Department at Wellington, marked M.D. 2460, showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it was proposed to erect the said wharf: And whereas the Governor in Council did, on the twenty-third day of September, one thousand nine hundred and one, approve of the purpose for which the said foreshore and land below low-water mark were to be occupied, and granted a license for the purpose aforesaid on the terms and conditions therein expressed:

And whereas the said license was, with the consent of the Minister of Marine, transferred to the White Pine Company of New Zealand (Limited), (hereinafter called "the company"), and the same is now under the control and management of the company:

And whereas the company has applied for authority to make certain additions to the said wharf, and, in accordance with the one-hundred-and-fiftieth section of the Harbours Act, 1908 (hereinafter called "the said Act"), has deposited a plan in the office of the Marine Department at Wellington, marked M.D. 4195, showing the additional area of foreshore and land below low-water mark intended to be occupied, and the nature and extent of the additions intended to be made: 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 company 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 conferred upon 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 purpose or object for which the said license is required by the company 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 company to use and occupy that part of the foreshore and land below low-water mark of the Wairoa River, Kaipara Harbour, on which the said wharf-additions are to be erected, as shown on the plan marked M.D. 4195 so deposited as aforesaid, for the purpose of erecting and maintaining the said additions to the wharf, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

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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 construction of the additions to the said wharf, as shown on the plans marked M.D. 4195.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy thereof, pay to the Minister the sum of two pounds ten shillings, and thereafter an annual sum of one pound in advance, payable on the first day of September,