

of November, one thousand nine hundred and eleven, regulations were made under the authority of the Post and Telegraph Act, 1908 (hereinafter termed "the said Act"), *inter alia*, for the management and control of telephone exchanges by the Post and Telegraph Department: And whereas it is expedient to amend such regulations in the manner hereinafter set forth:

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 in that behalf enabling him, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the regulation numbered one under the heading "Telephone Exchanges" in the Schedule of the aforementioned Order in Council, and in lieu thereof doth hereby make the regulation set forth in the Schedule hereto; and doth declare that the regulation hereby made shall form part of the above-recited regulations and shall have effect on and after the date of publication of this Order in Council in the *New Zealand Gazette*.

SCHEDULE.

TELEPHONE EXCHANGES.

1. WHERE a telephone exchange is established, the Department is prepared to receive applications from intending subscribers, subject to the conditions and regulations set forth hereunder, or any amendments or extensions thereof. The Department reserves to itself the right to decline applications that do not come within the scope of its development plans.

J. F. ANDREWS,
Clerk of the Executive Council

Licensing the Kauri Timber Company (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark at Koutu, Hokianga, as a Site for a Wharf, and prescribing Dues for its Use.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this tenth day of May, 1915.

Present:

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING
IN COUNCIL.

WHEREAS by Order in Council dated the twenty-seventh day of March, one thousand nine hundred and one, and published in the *New Zealand Gazette* No. 38, of the eighteenth day of April following, the New Zealand Timber Company Proprietary, (Limited), of Auckland, was licensed to use and occupy a part of the foreshore and land below low-water mark at Koutu, in Hokianga Harbour, as shown on plan marked M.D. 2412, and deposited in the office of the Marine Department at Wellington, in order to erect thereon a wharf, as shown on the plan so deposited as aforesaid, for a term of fourteen years, computed from the twenty-seventh day of March, one thousand nine hundred and one:

And whereas the said license was, with the consent of the Minister of Marine, transferred to the Kauri Timber Company (Limited) (hereinafter called "the company"):

And whereas, the said license having expired, the company has made application for a fresh license under the Harbours Act, 1908 (hereinafter called "the said Act"), for a term of seven years, computed from the expiry of the term of the above-mentioned license, and it is expedient to grant the same for the term and subject to the conditions hereinafter expressed, and to prescribe the dues and rates to be charged and taken for the use of the said wharves:

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 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 immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the aforesaid wharf in connection therewith, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the First Schedule hereto; and doth hereby

prescribe that the dues and rates set forth in the Second Schedule hereto shall, as from the twenty-seventh day of March, one thousand nine hundred and fifteen, be charged and taken for the use of the said wharf.

FIRST 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 that part of the foreshore and land below low-water mark occupied by the said wharf, as shown on plan marked M.D. 2412.

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 £2 10s., and thereafter an annual sum of £3 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. All persons shall at all reasonable times, 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.

5. 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 wharf without payment.

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 such Minister leaving at or posting to the last known registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring it, within a reasonable time, to be therein prescribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.

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 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.

9. The ballast of all vessels loading at the said wharf shall be taken away by the company 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.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for seven years from the twenty-seventh day of March, one thousand nine hundred and fifteen, 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.

11. 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 registered office of the company in New Zealand.

12. 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 its part.

13. In case the company shall—

(1.) Commit or suffer a breach of the conditions hereinafter set forth, or any of them;

(2.) Cease to use or occupy the said wharf for a period of thirty days;

(3.) Be in any manner wound up or dissolved; or

(4.) Fail to pay the sums 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, 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.