

tion 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 rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 24th day of August, 1917, unless in the meantime such rights, powers, or 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-General, 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.) 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 this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor-General 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

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

Licensing George Russell Fellows to occupy Foreshore outside Manukau Harbour.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this seventeenth day of September, 1917.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the eighteenth day of August, one thousand nine hundred and thirteen, and published in the *New Zealand Gazette* No. 64, of the twenty-first day of the same month, George Russell Fellows, of Onehunga (hereinafter called "the licensee"), was licensed to occupy a part of the foreshore outside Manukau Harbour, as shown on plan marked M.D. 4081, and deposited in the office of the Marine Department at Wellington, for the purpose of extracting gold from the ironsand thereon, for a period of two years from the date of and subject to the conditions prescribed in the said Order in Council:

And whereas by Order in Council dated the sixth day of December, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette* No. 141, of the ninth day of the same month, the licensee was authorized to occupy that part of the foreshore which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of extracting gold from the ironsand thereon, for a further period of two years from the eighteenth day of August, one thousand nine hundred and fifteen:

And whereas, the said license having expired, the licensee has made application for a fresh license under the Harbours Act, 1908 (hereinafter called "the said Act"), for a term of two years, computed from the date of expiry of the license hereinbefore mentioned, and it is advisable to grant the same for the period and subject to the terms and conditions hereinbefore mentioned:

Now, therefore, His Excellency the Governor-General 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 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 which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of extracting gold from the ironsand thereon, 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 foreshore which is inside the red line drawn on the said plan marked M.D. 4081.

3. The rights, powers, and privileges conferred by this Order in Council shall continue in force for a period of two years from the 18th day of August, 1917, 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. per annum, payable on the 18th day of August, dating from the 18th day of August, 1917.

5. The licensee shall not commit or suffer to be committed any unnecessary waste or damage in or upon the said foreshore and premises, or any part thereof, in carrying on the said works, or in exercise of the powers or privileges hereby granted.

6. The licensee shall, at the expiration or sooner determination of the said term, deliver unto the Minister, or to any person appointed in that behalf, the said foreshore or premises in as good a state and condition as the nature of the case will admit of, and as shall be consistent with the due performance of the several covenants and conditions herein contained.

7. The licensee also will, if required by the Minister, within six months after the expiration or sooner determination of the said term, at the expense of the said licensee, fill up, level, or substantially cover in or fence all pits, shafts, or other open places or works as shall have been made or used by the licensee under or by virtue of these presents.

8. The licensee also will, within the time last aforesaid and at the like expense, whenever so required by the Minister, clear such portions of the foreshore as have been broken up, taken, covered, or used by the licensee under or by virtue of these presents, as he or they shall by the Minister be required to clear, and will restore the surface of the said foreshore to its original state, or as near thereto as reasonably may be or be required as aforesaid.

9. The licensee also will keep in good and substantial repair all fences and erections made or erected under or by virtue of the covenants and conditions herein contained or implied, or any of them.

10. If before the expiration of the term hereby granted the licensee shall find it unprofitable to work the ironsand for the extraction of gold upon the said foreshore, and shall be desirous of surrendering these presents, then, upon payment of the rents and royalties hereby reserved up to the end of the then current year of the said term, and upon the observance of the several covenants, conditions, and agreements herein contained or implied, it shall be lawful for the licensee to surrender the license hereby granted, and the term and interest of the licensee in the foreshore and premises hereby demised or intended so to be; and upon acceptance of such surrender such term and interest shall absolutely cease and determine.

11. If and whenever the rent hereinbefore reserved, or any part thereof respectively, shall be in arrear or unpaid for the space of three calendar months, whether the same shall have been legally demanded or not, or if and whenever there shall be a breach or non-observance of any of the covenants, conditions, or agreements by or on the part of the licensee herein contained or implied, the Minister, or any person appointed on his behalf, may re-enter upon the said demised premises or any part thereof, in the name of the whole, and thereupon the said term of years hereby granted shall absolutely cease and determine, anything hereinbefore contained to the contrary notwithstanding, without prejudice, nevertheless, to the recovery of any rent or royalty then due or payable, or to any right of distress that may have arisen under these presents prior to such re-entry, or to the liability of the licensee to perform and observe, or to the right of the Minister to enforce, the performance and observance of every or any covenant, condition, or stipulation herein contained or implied and which ought to be performed or observed by the licensee.