

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 and land below low-water mark adjacent thereto necessary for the maintenance of the said 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 that part of the foreshore and land below low-water mark occupied by the said wharf as shown on plans marked M.D. 1470 and 1471.

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 £2 in advance, dating from the 18th December, 1916, the first of such annual payments to be made on the licensee being supplied with a copy of this Order in Council.

4. 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.

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 licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at his 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 address of the licensee in New Zealand 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 repair the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made.

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 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 licensee 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 fourteen years from the 18th December, 1916, 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.

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 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 in New Zealand.

12. 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.

13. 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 brought under the operation of any law 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 license, right, power, or privilege may be revoked and determined by the Governor 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 Frederick Waller and Edward Glenivet Elliott to use and occupy a Part of the Foreshore and Land below Low-water Mark at East Tamaki, Auckland Harbour, as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this fourteenth day of May, 1917.

Present:

THE HONOURABLE SIR JAMES ALLEN, K.C.B., PRESIDING
IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Frederick Waller and Edward Glenivet Elliott, of Auckland (hereinafter called "the licensees"), have 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 East Tamaki, Auckland Harbour, in order to erect thereon a wharf in accordance with plan marked M.D. 4761, and deposited in the office of the Marine Department at Wellington:

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 it is desirable that a license should be granted and issued to the licensees under the said Act for the purposes aforesaid:

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 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 that part of the foreshore and land below low-water mark on which the said wharf is to be erected, as shown on plan marked M.D. 4761 so deposited as aforesaid, for the purpose of maintaining the said structure thereon; such license to be held and enjoyed by the licensees 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 that part of the foreshore and land below low-water mark occupied by the said wharf, as shown on plan marked M.D. 4761.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1, in advance, dating from the date of this Order in Council, the first of such annual payments to be made on the licensees 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.