

5. His Majesty or the Governor-General, 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 trustees shall maintain the above-mentioned wharf in good order and repair, and 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.

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 trustees in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring them, within a reasonable time, to be therein prescribed, to repair the same, they shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the trustees 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 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 trustees, 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 date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the trustees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

11. 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 trustees 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 trustees in New Zealand.

12. The trustees shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on their part.

13. In case the trustees 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.) 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 trustees 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 trustees, 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.

SECOND SCHEDULE.

LIST OF GOODS TO BE CHARGED AT PER TON WHARFAGE ON WEIGHT OR MEASUREMENT.

Shipping Wharfage.

1. EVERY person who shall use the wharf with any vessel shall pay to the trustees for the use thereof as follows, that is to say:—

For every vessel a sum of 2d. per ton on the gross tonnage of such vessel per day for each day or part of a day a vessel shall occupy a berth alongside any vessel lying at the said wharf, or shall lie at the said wharf undergoing repairs or fitting out only, or shall lie at the said wharf with a line attached thereto.

If any ship shall use, this wharf for the discharge of any goods or cargo after the usual working-hours or on wharf holidays, such ship shall pay to the trustees for the use of the said wharf a charge at the rate of 1s. per ton on all goods or cargo so discharged from such ship.

Goods Wharfage.

2. Every person who shall use the wharf for landing or shipping any goods shall, before using the same, pay to the trustees dues as follows, that is to say:—

For all goods landed on this wharf, a rate of 2s. 6d. per ton weight or measurement, at the option of the wharfinger. Minimum charge, 6d.

For every head of cattle or horses landed upon or shipped from the said wharf, 2s. 6d. per head.

For every yearling or calf so landed upon or shipped from the said wharf, the sum of 1s. per head.

For every head of sheep or small cattle so landed upon or shipped from the said wharf, the sum of 6d. per head.

For all timber landed on the wharf a charge of 6d. per 100 ft. will be made.

Wool, 6d. per bale.

3. The trustees shall appoint any wharfinger or other officer necessary for the purposes of these regulations.

4. No person shall remove goods from the wharf without having previously paid the dues payable thereon.

5. If any goods remain for more than three hours on the wharf, or in or upon the approaches thereto, the wharfinger may remove the same to such premises as he thinks fit, and keep the same until payment to the licensee of the expenses of such removal and of the keeping of the goods, and of any other charges due to the licensee thereupon, and, in default of payment, may, in the manner and in the time provided by section 63 of the Harbours Act, 1908, sell the same, and may exercise on behalf of the licensee all the powers contained in the said section 63.

6. No ballast, timber, coal, produce, or cargo of any description shall be shipped or unshipped except at such time and places, and in such order and mode, as may be directed and deemed expedient by the wharfinger for the proper working of the wharf.

7. No person shall deposit any ballast, coal, coke, patent or other fuel on the wharf or in any shed without special permission from the wharfinger.

8. No ashes, rubbish, or refuse shall be landed on the wharf until vehicles are brought alongside to receive them.

9. Three hours' notice must be given to the wharfinger of the intention to land any rubbish, ashes, or refuse.

10. No goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the wharf or any shed in connection therewith shall be discharged or landed on the wharf or placed in any such shed.

11. No person shall place or leave upon the wharf, or in any shed in connection therewith, any vegetable or animal matter or goods which are in a state of decay or putrefaction; and any goods which are, in the opinion of the wharfinger, unfit to remain on the wharf, or harmful to other goods stored on the wharf or in any such shed, may be removed from the wharf by the trustees, and the consignee or owner of such goods shall upon demand repay to the trustees the cost of such removal.

12. It shall not be lawful for any person to remove any goods from the wharf until all wharfage entries are passed on the form prescribed by the trustees, and all dues paid in respect of such goods, and a receipt from the wharfinger for all dues payable, or an authority to deliver such goods from the trustees, or any of them, shall have been obtained.

13. All explosives, kerosene, and all goods of a dangerous or inflammable character shall be removed by the owner, agent, or consignee immediately on being landed, and such owner, agent, or consignee failing to do so will be held responsible for any damage or loss that may accrue from any accident arising therefrom, in addition to the penalty provided for breach of these regulations, and the trustees shall not be responsible for any damage or loss which may accrue to such goods.

14. The trustees do not hold themselves responsible for the safety of goods deposited in the wharf-shed, or upon any part of the wharf.

15. The master of any vessel loading or discharging at the wharf shall be deemed accountable for the proper slinging and landing of all goods, and responsible for any damage that may occur either from the breakage of slings or from the goods being improperly slung or improperly handled.

16. It shall be the duty of the master to cause proper tarpaulins to be stretched from the wharf to the vessels loading or discharging as aforesaid, and to be there maintained while cargo or ballast is being handled or shipped.

17. In case any vessel does or causes any damage to the wharf or any part thereof, or to any machinery or building thereon or appertaining thereto, then and in any such case the master of such vessel shall forthwith report the occurrence to the wharfinger.

18. Any damage done or caused as aforesaid may be repaired by the trustees, and the cost thereof shall be recoverable by the trustees from the master and owner of any vessel, or either of them, in any Court of competent jurisdiction.

19. All goods landed on the wharf, or brought thereon for shipment, shall be placed as the Harbourmaster, wharfinger, or other authorized person directs, and so as to keep all mooring posts or rings free and all rails or tramways clear.