

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 on which the said wharf is to be erected, as shown on plan marked M.D. 4853 so deposited as aforesaid, for the purpose of maintaining the said structure thereon; such license to be held and enjoyed by the licensee 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 be taken for the use of the said wharf on and after the date of its completion.

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. 4853.

3. 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., 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 licensee 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-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 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 date hereof, 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-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 registered office 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-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.

SECOND SCHEDULE.

EVERY person who shall use the wharf for landing goods, or whose goods are stored in any shed on the wharf, shall pay to the licensee wharf dues in respect of the landing, storage, receiving, and delivering such goods, as follows, that is to say:—

For all goods (except such as are hereinafter provided for) landed, stored, received, or delivered, at weight or measurement, according to shipping usage.—

	At per Week or Part of a Week.			
	Storage.	Landing.	Receiving.	Delivering.
	s. d.	s. d.	s. d.	s. d.
For parcels, each	0 2	0 1	0 2	0 2
For quantities up to $\frac{1}{4}$ ton, per lot	0 6	0 3	0 6	0 6
For quantities $\frac{1}{4}$ ton to $\frac{1}{2}$ ton, per lot	0 8	0 4	0 8	0 8
For quantities $\frac{1}{2}$ ton to 1 ton, per lot	1 0	0 6	1 0	1 0
For quantities 1 ton and over, per ton	1 0	0 6	1 0	1 0
For every head of cattle or horses	1 0	1 0	1 0	1 0
For every pig or sheep	0 2	0 2	0 2	0 2

For passengers' luggage under $\frac{1}{2}$ ton, provided such luggage is removed from the said wharf within one hour of being landed: Free from landing dues.

F. D. THOMSON,
Acting Clerk of the Executive Council.

Native Land in Block VI, Waiapu Survey District, taken for the Purposes of a Telegraph Lineman's Cottage.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this sixteenth day of April, 1918.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the land mentioned in the Schedule hereto is Native land, and is required to be taken under the Public Works Act, 1908, for the purposes of a telegraph lineman's cottage: And whereas the said land is held or occupied by Native owners under a title which is not derived from the Crown: And whereas a map of the said land has been prepared in duplicate, as required by section ninety of the Public Works Act, 1908:

Now, therefore, in pursuance and exercise of the powers vested in him by the Public Works Act, 1908, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby proclaim and declare that the land shown upon such map, and described in the Schedule hereto, is hereby taken for the purposes of a telegraph lineman's cottage; and the said land shall vest in His Majesty the King as from the twentieth day of May, one thousand nine hundred and eighteen.

SCHEDULE.

APPROXIMATE area of the piece of land taken: 1 rood.
Portion of Tikitiki Block, situated in Block VI, Waiapu Survey District (Poverty Bay R.D.).

In the Land District of Hawke's Bay; as the same is more particularly delineated on the plan marked P.W.D. 43908, deposited in the office of the Minister of Public Works at Wellington, in the Land District of Wellington, and thereon coloured pink.

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