

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 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 adjacent thereto necessary for the maintenance of the said wharf, such license to be held and enjoyed by the company 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. 4993.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 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, 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-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 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 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 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 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 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-General, 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 address 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 hereinbefore 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-General 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.

13. The erection of the said wharf shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Licensing John Ralph Bartle to occupy a Portion of the Land between High and Low Water Marks in the Whangaroa Harbour, and to reclaim such Land.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this twenty-first day of January, 1919.

Present:

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

WHEREAS it is enacted by section thirty-nine of the Harbours Amendment Act, 1910 (hereinafter called "the said Act"), that in the case of lands between high and low water marks which belong to the Crown, and on which at high-water spring tides the depth of water is not sufficient for purposes of navigation, the Governor-General in Council may grant occupation licenses for periods not exceeding twenty-one years, at such rent and on such conditions as he thinks fit, and any such lease may contain a provision authorizing the lessee to reclaim the land the subject of the lease without complying with the requirements of section forty-one of the said Act:

And whereas it is desirable to license John Ralph Bartle (hereinafter called "the licensee") to occupy a part of the land between high and low water marks, belonging to the Crown, in the Whangaroa Harbour, on which at high-water spring tides the depth of water is not sufficient for purposes of navigation:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the hereinbefore-recited power and authority, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby license the licensee to occupy the piece of land between high and low water marks of spring tides in the Whangaroa Harbour, containing 150 acres, more or less, as shown in red on plan marked M.D. 4952, and deposited in the office of the Marine Department at Wellington; and doth also authorize the licensee to reclaim the land subject to this license by constructing stopbanks and flood-gates thereon as shown by the red line on the said plan, this license to be subject to the following conditions.

CONDITIONS.

1. THE licensee shall pay to the Marine Department an annual rent of £1 for the first five years, £5 a year for the next seven years, £10 a year for the next five years, and £20 a year for the last four years, the first of such annual payments to be made on the licensee being supplied with a copy of this Order in Council.

2. The licensee shall keep any stopbanks and flood-gates which he may construct for the purpose of reclaiming the land included in this license in good order and condition, shall provide and maintain all necessary outlets for storm-water, and shall reclaim the land within two years from the commencement of the license.

3. The licensee shall keep the land included in this license free from noxious weeds.

4. The licensee shall not assign, charge, or part with any right, power, or privilege granted by this license without the previous written consent of the Minister of Marine.

5. The rights, powers, and privileges conferred by this Order in Council shall continue in force for twenty-one years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

6. If the licensee commits or suffers a breach of any of the conditions of this license, the license may be revoked