

tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor-General in Council:

And whereas it is expedient that a license should be granted and issued to the Council under the said Act, for the purpose aforesaid, on the terms and conditions hereinafter expressed:

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 object for which the said license is required by the Council 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 Council 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 M.D. 5088 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf in accordance with the said plan; such license to be held and enjoyed by the Council 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 part of the foreshore, and land below low-water mark adjacent thereto, necessary for the erection of the said wharf, as shown on the plan marked M.D. 5088.

3. 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.

4. 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.

5. The Council 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.

6. 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 Council 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.

7. Nothing herein contained shall authorize the Council 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.

8. The ballast of all vessels loading at the said wharf shall be taken away by the Council 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.

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 date thereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous 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 Council 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 Council in New Zealand.

11. The Council 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.

12. In case the Council shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- (2.) Cease to use or occupy the said wharf for a period of thirty days,—

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 Council or other proceedings whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, 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 Council of the terms and conditions of this Order in Council.

F. W. FURBY,
Acting Clerk of the Executive Council.

Licensing Mijo Vujcich to occupy a Portion of the Land between High- and Low-water Marks in the Tapuwae River, Hokianga Harbour, and to reclaim such Land.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this seventeenth day of November, 1919.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 Mijo Vujcich (hereinafter called "the licensee") to occupy a part of the land between high- and low-water marks, belonging to the Crown, in the Tapuwae River, Hokianga Harbour, on which at high-water spring tides the depth of water is not sufficient for the 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 Tapuwae River, Hokianga Harbour, containing fifty acres, more or less, as shown edged red on plan marked M.D. 5077, and deposited in the office of the Marine Department at Wellington; and doth also authorize the licensee to reclaim the land subject to the following conditions.

CONDITIONS.

1. The licensee shall pay to the Marine Department a rental, in advance each year, of 1s. per acre per annum for the first ten years, and 2s. 6d. per acre per annum for the last eleven years, of the period of twenty-one years during which this license is in force, 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 stop-banks which he may construct for the purpose of reclaiming the land included in this license in good order and condition, and shall provide and maintain all necessary outlets for storm-water.

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, or 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 and determined by the Governor-General in Council; and publication of a notice of such revocation in the *New Zealand Gazette* shall be sufficient notice thereof to the licensee, and to all persons concerned or interested in this license, that it has been revoked and determined.

F. W. FURBY,
Acting Clerk of the Executive Council.