

And whereas the Governor-General may by the same or any subsequent Order in Council declare any land the subject-matter of an application under the said section one hundred and eighteen to be absolutely inalienable except by will:

And whereas the lands described in the Schedule hereto are subject to the provisions of sections one hundred and seven to one hundred and ten (inclusive) and sections one hundred and fifteen and one hundred and sixteen of the said Act:

And whereas, on the application of a majority in number of the beneficial owners of the said lands, a Judge of the Native Land Court has reported that the lands described in the Schedule hereto are being actually farmed by the beneficial owners thereof, and has recommended that the said lands should be excepted from the provisions of the said sections one hundred and seven to one hundred and ten (inclusive) and sections one hundred and fifteen and one hundred and sixteen:

And whereas the Minister is satisfied that the said lands described in the Schedule hereto ought, in the interests of the owners, to be excepted from the operation of the said sections one hundred and seven to one hundred and ten (inclusive) and sections one hundred and fifteen and one hundred and sixteen:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by section one hundred and eighteen of the Native Land Amendment Act, 1913, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby declare that the lands mentioned in the Schedule hereto shall be excepted from the operation of sections one hundred and seven to one hundred and ten (inclusive) and sections one hundred and fifteen and one hundred and sixteen of the Native Land Amendment Act, 1913, and that the same shall be absolutely inalienable except by will.

#### SCHEDULE.

MOTATAU SURVEY DISTRICT.				A.	R.	P.
MOTATAU	5A	No. 1A	..	..	Area,	47 2 7
"	5A	No. 4	..	..	"	369 1 2
"	5O	No. 7B	..	..	"	231 0 14

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

*Licensing Frank Bythell to use and occupy a Part of the Foreshore and Land below Low-water Mark in Queen Charlotte Sound as a Site for a Landing-jetty and Boatshed.*

#### LIVERPOOL, Governor-General. ORDER IN COUNCIL.

At the Government Buildings at Wellington, this twenty-fifth day of March, 1919.

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 under the Harbours Act, 1908 (hereinafter called "the said Act"), Frank Bythell, of Blenheim (hereinafter called "the licensee"), has applied to the Governor-General in Council for a license under the said Act to use and occupy a part of the foreshore and land below low-water mark in Queen Charlotte Sound, as shown on plans marked M.D. 5025 and 5026, and deposited in the office of the Marine Department at Wellington in order to maintain a landing-jetty and boatshed thereon:

And whereas it has been made to appear to the Governor-General in Council that the said landing-jetty and boatshed will not be or tend to the injury of navigation, and the said plans marked M.D. 5025 and 5026 have, prior to the making of this Order in Council, been approved by the Governor-General in Council:

And whereas it is desirable that a license under the said Act, for the purpose aforesaid, should be granted and issued to the licensee for the term and subject to the 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 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 fore-

shore and land below low-water mark adjacent thereto necessary for the maintenance of the said landing-jetty and boatshed, such license to be held and enjoyed by the said 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 landing-jetty and boatshed, as shown on plans marked M.D. 5025 and 5026.

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 £1, in advance, dating from the date hereof, 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 landing-jetty and boatshed, 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 landing-jetty and boatshed without payment.

6. The licensee shall maintain the above-mentioned landing-jetty and boatshed 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 landing-jetty and boatshed 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 landing-jetty and boatshed, 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in 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.

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 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.

11. The licensee shall be liable for any injury which the said landing-jetty may cause any vessel or boat to sustain through any default or neglect on his part.

12. 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 landing-jetty and boatshed 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 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.