

Licensing Messrs. Mason Bros. to use and occupy a Part of the Foreshore and Land below Low-water Mark of Onekaka River, Nelson, as a Site for a Wharf.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this fifth day of May, 1920.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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"), John Mason and David Mason, trading under the style or title of "Mason Bros." (hereinafter called "the licensees"), have 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 of the Onekaka River, Nelson, in order to erect and maintain a wharf thereon, and, in accordance with the one-hundred-and-fiftieth section of the said Act, have deposited a plan in the office of the Marine Department at Wellington, marked M.D. 5143, showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the wharf :

And whereas it has been made to appear to the Governor-General in Council that the proposed work will not be or 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 licensees 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 purpose or object for which the said license is required by the licensees 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 licensees 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 licensees 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. 5143.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of 10s. in advance, dating from the date hereof, the first of such annual payments to be made on the licensees 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 licensees shall maintain the above-mentioned wharf in good order and repair ; and, on being required to do so by the Minister, shall 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 licensees 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 licensees 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 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 licensees 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 ballast of all vessels loading at the said wharf shall be taken away by the licensees 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.

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 licensees 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 licensees in New Zealand.

12. The licensees 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 licensees 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 licensees 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 licensees, 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.

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

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

Revoking an Order in Council declaring Portion of Mangateka Road, in the Ohura County, to be a County Road.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this fifth day of May, 1920.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, in pursuance of the powers conferred by subsection three of section one hundred and three of the Public Works Act, 1908, and of all other powers in anywise enabling him in that 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, did, by Order in Council dated the nineteenth day of January, one thousand nine hundred and twenty, and published in the *New Zealand Gazette* No. 5, pages 211 and 212, of the twenty-third day of the same month, order and declare that the portion of road described in the Schedule thereto should, on and after the date of the said Order in Council, become a county road :

And whereas it has been found expedient to revoke the said Order in Council :

Now, therefore, His Excellency the Governor-General of the said Dominion, in pursuance and exercise of the powers and authorities conferred upon him by subsection five of section one hundred and three of the Public Works Act, 1908, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the said Order in Council.

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