

wharf in Onekaka River, such license to be held and enjoyed by the 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 wharf extension, as shown on plan marked M.D. 5170.

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 10s. 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 wharf extension, 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 extension without payment.

6. The licensee shall maintain the above-mentioned wharf extension 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 extension 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 extension 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.

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 licensee shall not assign, charge, or part with any such right, power, or privilege without the previous 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 address of the licensee in New Zealand.

12. The licensee shall be liable for any injury which the said wharf extension 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 extension 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 proceedings 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.

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

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

Licensing the Whangape Timber Company (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark of Whangape Harbour as a Site for a Mill and Wharves.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

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

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twenty-third day of January, one thousand nine hundred and six, and published in the *New Zealand Gazette* No. 7, of the first day of the following month, the Mitchelson Timber Company (Limited) was licensed to use and occupy a part of the foreshore and land below low-water mark of the Whangape Harbour, as shown on plans marked M.D. 2910, and deposited in the office of the Marine Department at Wellington, in order to erect thereon a mill and wharves, as shown on the plans so deposited as aforesaid, for a term of fourteen years, computed from the twenty-third day of January, one thousand nine hundred and six:

And whereas the rights, powers, and privileges conferred by the said Order in Council dated the twenty-third day of January, one thousand nine hundred and six, were, with the consent of the Minister of Marine, transferred to the Whangape Timber Company (Limited), (hereinafter called "the company"):

And whereas, the said license having expired, the company has made application for a fresh license under the Harbours Act, 1908 (hereinafter called "the said Act"), for a term of fourteen years, computed from the expiry of the term of the above-mentioned license, and it is expedient to grant the same 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 company 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 immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the aforesaid mill and wharves in connection therewith, 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 the parts of the foreshore and of the land below low-water mark necessary for the maintenance of such mill and wharves and other structures, which are shown on sheets Nos. 1 and 2 of the plans marked M.D. 2910.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £3, and thereafter an annual sum of £7 10s., dating from the 23rd January, 1920.

4. That all His Majesty's subjects shall at all reasonable times, upon payment of the proper dues, have free and full liberty to use the wharves, and of ingress and egress thereon.

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 wharves without payment,