

such coal-bin, 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 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 regulation made thereunder, and that are now or may hereafter be in force.

8. The ballast of all vessels loading at the said coal-bin 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.

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 company 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 Administrator, 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 registered office of the company in New Zealand.

11. The company shall be liable for any injury which the said coal-bin may cause any vessel or boat to sustain through any default or neglect on the company's part.

12. 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 coal-bin 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 Administrator in Council without any notice to the company 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 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 coal-bin shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

*Licensing Messrs. Richards Bros. to use and occupy Part of the Foreshore at Westhaven as a Site for a Landing.*

ROBERT STOUT.

Administrator of the Government.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of September, 1920.

Present :

HIS EXCELLENCY THE ADMINISTRATOR 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"), John Richards and Edwin Davy Richards, trading under the style or title of "Richards Bros." (hereinafter called "the licensees"), have applied to the Administrator in Council for a license under the said Act to use and occupy a part of the foreshore at Westhaven as a site for landing goods; 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. 5223, showing the area of foreshore intended to be occupied:

And whereas it has been made to appear to the Administrator in Council that the proposed site 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 Administrator 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 Administrator of the Government 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 necessary for the landing of goods, 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 as shown on plan marked M.D. 5223.

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 site, and all rights of ingress and egress thereon and therefrom.

5. His Majesty or the Administrator, 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 site without payment.

6. The licensees shall maintain the above-mentioned site in good order and repair.

7. Any person authorized by the Minister may, at all reasonable times, enter upon the said site 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 site, 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 site 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 Administrator, 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 site 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 site 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 Administrator in Council without any notice to the licensees 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 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.

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