

of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the licensees, as trustees for the inhabitants of the district as aforesaid, to use and occupy that part of the foreshore on which the wharf is constructed, as shown on the plan so deposited as aforesaid, for the purpose of maintaining the said wharf thereon; 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 having charge of the Marine Department, 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 necessary for the maintenance of the wharf at Hardy's Bridge, Matakohu, Kaipara, as shown on plan marked M.D. 2737.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall pay to the Minister an annual sum of 1s. payable on demand.

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 licensees shall maintain the above-mentioned wharf in good order and repair; and shall at all times 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.

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 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. In case the licensees 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; or
- (3.) Commit a breach of their trust; 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 right, power, or privilege, may be revoked and determined by the Governor-General 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.

12. Notwithstanding anything hereinbefore contained, should any of the above-named licensees die, or become bankrupt, or be incapable of acting, or should leave the district, or for any other cause which in the opinion of the Governor-General should render it undesirable that he should remain a licensee, the Governor-General may in any such

case and from time to time by Order in Council declare that such person has ceased to be a licensee, and may direct any other person to act as licensee in his place, who shall have all the powers and authorities of the original licensee, and shall thereupon cease to be a licensee.

C. A. JEFFERY,
Acting Clerk of the Executive Council.

Licensing the Port Awanui Dumping Company (Limited) to occupy a Part of the Foreshore at Port Awanui as a Site for a Wharf.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of September, 1921.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the seventeenth day of December, one thousand nine hundred and six, and published in the *New Zealand Gazette* No. 109, of the twentieth day of the same month, Apirana Tupara Ngata, George Kirk, and Pene Heihi, as trustees for the contributors to the cost of erecting a wharf on the site hereinafter mentioned, were licensed to occupy a part of the foreshore and land below low-water mark at Port Awanui, County of Waiapu, as shown on plan marked M.D. 3025, and deposited in the office of the Marine Department at Wellington, for the purpose of erecting and maintaining a wharf thereon:

And whereas the said license was, with the written consent of the Minister of Marine, transferred to the Port Awanui Dumping Company (Limited), (hereinafter called "the licensees"):

And whereas the said license expired on the seventeenth day of December, one thousand nine hundred and twenty: And whereas it is desirable that the said license be renewed:

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 Harbours Act, 1908, and of all other powers and authorities enabling him in that behalf, and by and with the advice and consent of the Executive Council of the said Dominion, doth hereby license and permit the licensees to use and occupy that part of the foreshore and land below low-water mark which are particularly shown and delineated on the plan marked M.D. 3025 so deposited as aforesaid, for the purpose of maintaining thereon a 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 necessary for the maintenance of such wharf which are shown on the plan marked M.D. 3025, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1, payable in advance, such annual payments to date from the 17th day of December, 1920.

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, over, and out of the said wharf without payment.

5. The licensees shall maintain the above-mentioned wharf in good order and repair.

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 licensees 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 make good the same, they shall with all convenient speed cause such defect to be removed or such repairs to be made, as the case may be.

7. 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