

10. The company shall be liable for any injury which the said booms may cause any vessel or boat to sustain through any default or neglect on its part.

11. 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 booms 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 any such case this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General in Council without any notice to the company 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 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

F. D. THOMSON,
Clerk of the Executive Council

Licensing the Kaipara Co-operative Dairy Factory Company (Limited) to use and occupy a Part of the Foreshore of the Kaipara River as a Site for a Wharf.

JELlicoe, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of October, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twelfth day of October, one thousand nine hundred and eight, and published in the *New Zealand Gazette* No. 81, of the twenty-second day of the same month, the Coulthard Timber Company (Limited), of Auckland, was licensed to use and occupy a part of the foreshore and land below low-water mark in the Kaipara River, as shown on plans marked M.D. 696 and 697, and deposited in the office of the Marine Department at Wellington, in order to erect thereon a wharf, as shown on the plans so deposited as aforesaid, for a term of fourteen years, computed from the twelfth day of October, one thousand nine hundred and eight :

And whereas the said Order in Council of the twelfth day of October, one thousand nine hundred and eight, was amended by Order in Council of the twentieth day of January, one thousand nine hundred and thirteen, in so far that the license to occupy the boom-site was cancelled, and the annual rental was reduced from two pounds to one pound :

And whereas the said license was, with the consent of the Minister of Marine, transferred to the Kaipara Co-operative Dairy Factory 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 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 plans so deposited as aforesaid, for the purpose of using the aforesaid wharf 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 granted 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 plans marked M.D. 696 and 697.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 in advance, payable on the 1st day of April in each year, the proportionate part of such annual rental in respect of the period from the date hereof until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

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. All persons shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf, and all rights of ingress and egress thereto and therefrom.

6. The company shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at its 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 registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf, 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.

8. The ballast of all vessels loading at the said wharf shall be taken away by the licensee 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. 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 regulations made thereunder, and that are now or may hereafter be in force.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 12th day of October, 1922, 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 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 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.

12. The company shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on its part.

13. 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 wharf 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 Governor-General in Council without any notice to the company 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 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.

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