

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or interested, that this Order in Council and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. 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.

J. W. BLACK,
Acting Clerk of the Executive Council.

Licensing Cyril Fordham Eyre to use and occupy Part of the Foreshore at Tryphena Harbour, Great Barrier Island, as a Site for a Wharf.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of March, 1923.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Cyril Fordham Eyre, of Tryphena, Great Barrier Island (hereinafter called "the licensee"), has applied to the Governor-General in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark at Tryphena Harbour, Great Barrier Island, in order to erect and maintain a wharf thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited a plan in the office of the Marine Department at Wellington, marked M.D. 5632, showing the place where it is intended to erect such wharf, and the area of the foreshore and land below low-water mark intended to be occupied for such purpose:

And whereas it has been made to appear to the Governor-General in Council that the proposed wharf 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 under the said Act for the purpose aforesaid should be granted and issued to the licensee 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 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 licensee 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 licensee to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of constructing or erecting a wharf thereon, such license to be held and enjoyed by the licensee upon and subject to the following terms and conditions.

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 part of the foreshore and land below low-water mark necessary for the erection of the wharf as shown on plan M.D. 5632.

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

4. All persons shall, at all reasonable times, 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, over, and out of the said wharf without payment.

6. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years computed from the date of this Order in Council, 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.

7. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the wharf at his own cost, without payment of any compensation whatever, on giving to the licensee three 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.

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 regulation made thereunder, and that are now or may hereafter be in force.

9. 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.

10. The licensee shall maintain the above-mentioned wharf 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.

11. 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 licensee 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.

12. The licensee shall be liable for any injury which may be sustained by any vessel or boat in passing the wharf, or by contact therewith, and which may be occasioned by 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 for a period of thirty days,—
- (3.) Fail to pay the sums specified in clause 3 of these conditions; or
- (4.) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy,—

then and in any of the said cases this Order in Council, and every right, power, and privilege may be revoked and determined by the Governor-General in Council, without any notice to the licensee 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 licensee, and to all persons concerned or interested, that this Order in Council, and the rights and privileges thereby conferred, have been revoked and determined; and upon such revocation the Minister may cause the said wharf to be removed, and may recover the costs incurred by any such removal from the licensee.

14. The construction of the wharf shall be deemed to be an acceptance of the licensee of the conditions of this Order in Council.

J. W. BLACK,
Acting Clerk of the Executive Council.

Licensing the Hobson County Council to use and occupy a Part of the Foreshore and Land below Low-water Mark of the Northern Wairoa River, Kaipara, as a Site for Metal Landings.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 19th day of March, 1923.

Present:

THE HONOURABLE SIR FRANCIS BELL, K.C.M.G., 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"),