

purpose of a landing-place; 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 part of the foreshore and land below low-water mark necessary for the purpose of the said landing-site, as shown on the plan marked M.D. 5622.
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 £5 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 company 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 landing-site and all rights of ingress and egress thereon and therefrom.
5. His Majesty or the Governor-General, and all persons 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 landing-site without payment.
6. The company shall maintain the above-mentioned landing-site in good order and repair.
7. Any person authorized by the Minister may, at all reasonable times, enter upon the said landing-site and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the company in New Zealand a notice in writing of any defect or want of repair in such landing-site, requiring the company, within a reasonable time, to be therein prescribed, to repair the landing-site, the company shall with all reasonable speed cause such defect to be removed or such repairs to be made.
8. 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.
9. 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 company shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.
10. 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. Such notice shall be sufficient if given by the Minister and delivered at or posted to the last known address of the company in New Zealand.
11. The company shall be liable for any injury which the said landing-place may cause any vessel or boat to sustain through any default or neglect on its 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 landing-place for a period of thirty days;
 - (3.) Fail to pay the sums specified in clause 3 of these conditions; or
 - (4.) Be in any manner wound up or dissolved,—
 then and in any 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 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 occupation of the said landing-place 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 Mrs. Elizabeth L. Smith to use and occupy a Part of the Foreshore of Wade River, Auckland, as a Site for a Wharf.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 8th day of June, 1923.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the seventh day of June, one thousand nine hundred and nine, and published in the *New Zealand Gazette* No. 47, of the tenth day of the same month, Mrs. Elizabeth L. Smith, of Wade (hereinafter called "the licensee"), was licensed to use and occupy a part of the foreshore and land below low-water mark at Wade River, Auckland, as shown on plan marked M.D. 3341 (two sheets), and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf as shown on the plans so deposited as aforesaid for a term of fourteen years computed from the seventh day of June, one thousand nine hundred and nine: And whereas, the said license having expired, the licensee 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 seventh day of June, one thousand nine hundred and twenty-three: And whereas it is expedient that a license should be granted and issued to the licensee under the said Act, for the purpose aforesaid, 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 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 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 adjacent thereto, on which the wharf is erected, as shown on the plans so deposited as aforesaid, for the purpose of maintaining the said wharf thereon; 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 the part of the foreshore, and land below low-water mark adjacent thereto, necessary for the erection of the wharf, as shown on plans marked M.D. 3341.
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 £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 licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at her own cost, suitable and necessary lights for the guidance of vessels; provided that no lights 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 address of the licensee in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring her, within a reasonable time, to