

Licensing Messrs. James Henry Newton and John Newton to use and occupy a Part of the Foreshore and Land below Low-water Mark at Motuparapara Island, Northern Wairoa River, as a Site for a Wharf.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of October, 1923.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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"), James Henry Newton and John Newton, of Dargaville (hereinafter called "the licensees"), have applied to the Governor-General in Council for a license under the said Act to use and occupy a part of the foreshore and land below low-water mark of Motuparapara Island, Northern Wairoa River, in order to erect and maintain a wharf thereon; 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. 5722), showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said wharf:

And whereas it has been made to appear to the Governor-General in Council that the proposed work 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 should be granted and issued to the licensees under the said Act, for the purposes 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 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 and land below low-water mark on which the said wharf is to be erected, as shown on the plan M.D. 5722 so deposited as aforesaid, for the purpose of erecting and maintaining the said 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 the part of the foreshore and land below low-water mark necessary for the erection of the said wharf, as shown on the plan marked M.D. 5722, 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 £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 licensees 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 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 wharf without payment.

6. The licensees shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom, and maintain at the licensees' 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 address of the licensees in New

Zealand a notice in writing of any defect or want of repair in such wharf, requiring the licensees, within a reasonable time, to be therein prescribed, to repair the wharf, the licensees shall with all reasonable 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 ballast of all vessels loading at the said wharf 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.

10. 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 licensees 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, and the licensees may be required to remove the wharf at the licensees' own cost, 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 wharf may cause any vessel or boat to sustain through any default or neglect on the licensees' 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 brought under the operation of any law for the time being in force relating to bankruptcy,—

then and in any of the said cases 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 licensees 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 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; and upon such revocation the Minister may cause the said wharf to be removed, and may recover the cost incurred by any such removal from the licensees.

14. 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.

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

Open Season for Red and Virginian Deer Shooting, Southland Acclimatization District (Doughboy, Stewart Island).

IN exercise of the powers vested in me by the Animals Protection and Game Act, 1921-22, I, Richard Francis Bollard, Minister of Internal Affairs of the Dominion of New Zealand, do hereby declare the period from the 24th day of March, 1924, to the 31st day of May, 1924 (both days inclusive), to be an open season in the Southland Acclimatization District for the taking or killing of the following imported game—viz., red-deer stags and hinds, and the period from the 1st day of March, 1924, to the 31st day of May, 1924 (both days inclusive), to be an open season in the said district for the taking or killing of the following imported game, viz.: Virginian-deer bucks—within that part of the said acclimatization district described in the First Schedule hereto, subject to the following conditions.

CONDITIONS.

1. LICENSES to take or kill red-deer stags and hinds and Virginian-deer bucks may be issued by the Chief Postmaster at Invercargill, on payment of a license fee of £5 5s., in the form prescribed in the Second Schedule hereto, and subject to the