

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, and the company may be required to remove the said boom, breastwork, and reclamation at the company's own cost, 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.

11. The company shall be liable for any injury which the said booms, breastwork, and reclamation may cause any vessel or boat to sustain through any default or neglect on the company's 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 booms, breastwork, and reclamation 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 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined; and upon such revocation the Minister may cause the said booms, breastwork, and reclamation and all other erections or buildings thereto belonging to be removed, and may recover the cost incurred by any such removal from the company.

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

Licensing Herbert Subritzky and Charles Isilton Puckey as Trustees of the Estate of John Anton Subritzky, now deceased, to use and occupy a Part of the Foreshore of Awanui River as a Site for a Wharf and Shed.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of November, 1923.

Present:

THE HONOURABLE SIR F. H. D. BELL, G.C.M.G., K.C.,
PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the twelfth day of October, one thousand nine hundred and nine, and published in the *New Zealand Gazette* No. 87, of the twenty-first day of the same month, John Anton Subritzky, of Auckland, was licensed to use and occupy a part of the foreshore and land below low-water mark in Awanui River, as shown on plan marked M.D. 3407, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf and shed 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 nine: And whereas the said license having expired, Herbert Subritzky and Charles Isilton Puckey as trustees of the estate of the said John Anton Subritzky, now deceased (and hereinafter called "the licensees"), have 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 twelfth day of October, one thousand nine hundred and twenty-three: And whereas it is expedient that a license should be granted and issued to the licensees 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 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 adjacent thereto, on

which the said wharf and shed is erected, as shown on the plans so deposited as aforesaid, for the purpose of maintaining the said wharf and shed thereon; such license to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the First Schedule hereto; and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the licensees for the use of the said wharf and shed.

FIRST 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 and shed, as shown on plans marked M.D. 3407.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees 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 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 shed, 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 and shed without payment.

6. The licensees shall maintain the above-mentioned wharf and shed in good order and repair, and shall at all times exhibit therefrom, and maintain at the licensee's 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 shed 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 and shed, requiring the licensees, within a reasonable time, to be therein prescribed, to repair the same the licensees shall with all convenient 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 and shed 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 to be in force for fourteen years from the 12th day of October, 1923, 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.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensees may be required to move the said wharf and shed at the licensee's 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 and shed may cause any vessel or boat to sustain through any default or neglect on the licensee's part.

13. In case the licensees 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 and shed for a period of thirty days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy; or