

## 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 fish-cleaning sheds and a tramway as shown on plan marked M.D. 2043.

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 £1 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 17th day of January, 1924, until the 31st day of March following to be paid on the licensees 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, over, and out of the said fish-cleaning sheds and tramway without payment.

5. The licensees shall maintain the above-mentioned fish-cleaning sheds and tramway 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 lights shall be exhibited until after it has been approved of by the Minister.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said fish-cleaning sheds and tramway 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 fish-cleaning sheds and tramway, 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.

7. 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, 1923, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 17th day of January, 1924, 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.

9. 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 fish-cleaning sheds and tramway at the licensees' 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.

10. The licensees shall be liable for any injury which the said fish-cleaning sheds and tramway may cause any vessel or boat to sustain through any default or neglect on the licensees' part.

11. 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 fish-cleaning sheds and tramway 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
- (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 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 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; and upon such revocation the Minister may cause the said fish-cleaning sheds and tramway to be removed and may recover the cost incurred by any such removal from the licensees.

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

*Licensing Messrs. A. S. Andrewes and Sons to use and occupy a Part of the Foreshore at Opononi, Hokianga Harbour, as a Site for a Wharf, and prescribing Dues for the Use of the same.*

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of May, 1924.

Present:

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the fifth day of February, one thousand nine hundred and seventeen, and published in the *New Zealand Gazette* No. 34, of the twenty-second day of the same month, Messrs. Alfred Andrewes, George Andrewes, Frank Andrewes, and Arthur Edmund Andrewes, trading under the style or title of "A. S. Andrewes and Sons" (hereinafter called "the licensees"), of Opononi, were licensed to use and occupy a part of the foreshore and land below low-water mark at Opononi, in Hokianga Harbour, as shown on plan marked M.D. 1491, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf, to be erected in accordance with plan marked M.D. 1492, and deposited as aforesaid, for the term of seven years, computed from the fifth day of February, one thousand nine hundred and seventeen, on the terms and conditions therein expressed:

And whereas by Order in Council dated the twenty-fourth day of September, one thousand nine hundred and seventeen, and published in the *New Zealand Gazette* No. 146 of the twenty-seventh day of the same month, certain dues and rates were prescribed to be charged and taken for the use of the said wharf:

And whereas the licensees have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of seven years, and it is advisable to grant the same, and to prescribe the dues and rates which shall be charged and taken for the use of the said wharf:

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 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 of the 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 wharf aforesaid in connection therewith, 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 hereby prescribe that the dues and rates set forth in the Second Schedule hereto, on and after the date of publication of this Order in Council in the *New Zealand Gazette*, shall be taken by the licensees for the use of the said wharf.

## FIRST SCHEDULE.

## CONDITIONS OF MANAGEMENT.

1. In these conditions the term "Minister" means the Minister of Marine as defined in 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. 1491, 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 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 24th day of March, 1924, until the 31st 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 officers in the Government service acting in the execution of their duty,