

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to the parts of the foreshore and the land below low-water mark necessary for the said stores and boat-shed as shown on the plans marked M.D. 2294 (marked No. 22 on plan), 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 company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 10s., 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 1st day of January, 1925, to the 31st day of March following to be paid on the company 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, and out of the said stores and boat-shed without payment.

5. The company shall maintain the said stores and boat-shed in good order and repair; and shall at all times exhibit therefrom, and maintain at the company'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.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said stores and boat-shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known registered office of the company in New Zealand a notice in writing of any defect or want of repair in such stores and boat-shed, requiring the company, within a reasonable time, to be therein prescribed, to repair the same, the company shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. 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 regulations 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 in force for the term of fourteen years, computed from the 1st day of January, 1925, 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 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, 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.

10. The company shall be liable for any injury which any structure on the said premises may cause any vessel or boat to sustain through any default or neglect on the part of the company.

11. 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 stores and boat-shed 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 such case 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 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, right, and privileges thereby granted and conferred, have been revoked and determined.

12. In the event of this Order in Council being revoked for any reason whatsoever, or upon the expiry of the period for which the license is granted, the company shall, if required by the Minister so to do, remove the said stores and boat-shed entirely from the site and restore the site to its original condition within three months from the date of revocation or expiry, as the case may be; and if the company fails so to do, the Minister may cause the said stores and boat-shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

F. D. THOMSON,
Clerk of the Executive Council.

Licensing William Kent to use and occupy a Part of the Foreshore in Whangaroa Harbour as a Site for a Wharf, Hall, and Storeroom.

ORDER IN COUNCIL.

CHARLES FERGUSSON, Governor-General.

At the Government Buildings at Wellington, this 16th day of March, 1925.

Present:

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the second day of February, one thousand nine hundred and eleven, and published in the *New Zealand Gazette* No. 11, of the ninth day of same month, James Christie, of Whangaroa, was, *inter alios*, licensed to use and occupy a part of the foreshore and land below low-water mark in Whangaroa Harbour, as shown on plans marked M.D. 2294 (and marked thereon site No. 16), and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf, hall, and storeroom, to be erected in accordance with the said plan, and deposited as aforesaid, for the term of fourteen years, computed from the first day of January, one thousand nine hundred and eleven, on the terms and conditions therein expressed:

And whereas the said license was with the consent of the Minister of Marine transferred to William Kent (who with his executors, administrators, and assigns is hereinafter referred to as the "licensee"):

And whereas the licensee has applied for a fresh license under the Harbours Act, 1923 (hereunder called "the said Act"), for a further term of fourteen years, and it is advisable to grant the same:

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 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 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, hall, and storeroom aforesaid in connection therewith, 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—
 - "Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;
 - "Low-water mark" means low-water mark at ordinary spring tides;
 - "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, hall, and storeroom, as shown on the plan marked M.D. 2294 (and marked thereon site No. 16), 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 licensee shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 10s. 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 1st day of January, 1925, until the 31st 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 proper dues, have free and full liberty to use the said wharf, hall, and storeroom, 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, and out of the said wharf, hall, and storeroom without payment.
6. The licensee shall maintain the above-mentioned wharf, hall, and storeroom 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 it has been approved of by the Minister.