

wharf and extension are to be erected, as shown on the plan M.D. 5959 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf and extension; 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, as from the date hereof, be charged and taken for the use of the said wharf and extension.

FIRST 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 and extension as shown on the plans marked M.D. 4111 and 5959, 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 an annual sum of 1s., payable on demand.
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 extension, 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 duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said wharf and extension without payment.
6. The licensees shall maintain the above-mentioned wharf and extension 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 extension 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 extension, requiring the licensees within a reasonable time, to be therein prescribed, to repair the wharf and extension, 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, 1923, 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 extension 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 and extension 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 and extension may cause any vessel or boat to sustain through any default or neglect on the licensees' 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 extension 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 whatever; 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.

14. 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 licensees shall, if required by the Minister so to do, remove the said wharf and extension 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 licensees fail so to do, the Minister may cause the said wharf and extension to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensees.

15. The erection of the said wharf and extension shall be sufficient evidence of the acceptance by the licensees of the terms and conditions of this Order in Council.

SECOND SCHEDULE.

EVERY person who shall use the wharf for landing or shipping goods, or whose goods are stored in any shed on the wharf, shall pay to the trustees wharf dues in respect of the landing, shipping, storing, receiving, and delivering of such goods as follows, that is to say: For all goods (except such as are hereinafter provided for) landed, shipped, stored, received, or delivered, at weight or measurement, according to shipping usage.

	At per Week or Part of a Week.			
	Storage.	Shipping or Landing.	Receiving.	Delivering.
	s. d.	s. d.	s. d.	s. d.
For parcels, each	0 2	0 1	0 2	0 2
For quantities—				
Up to $\frac{1}{4}$ ton, per lot ..	0 6	0 3	0 6	0 6
$\frac{1}{4}$ ton to $\frac{1}{2}$ ton, per lot ..	0 8	0 4	0 8	0 8
$\frac{1}{2}$ ton to 1 ton, per lot ..	1 0	0 6	1 0	1 0
1 ton and over, per ton ..	1 0	0 6	1 0	1 0
For every head of cattle or horses	1 0	1 0	1 0	1 0
For every pig or sheep ..	0 2	0 2	0 2	0 2

For passengers' luggage under $\frac{1}{2}$ ton, provided such luggage is removed from wharf within one hour of being landed, free from landing dues.

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

Licensing T. M. Lane and Sons (Limited) to use and occupy a Part of the Foreshore of Whangaroa Harbour as a Site for a Sawmill and Shed.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 7th day of January, 1925.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the thirtieth day of March, one thousand eight hundred and ninety-nine, and published in the *New Zealand Gazette* No. 30, of the sixth day of April following, Thomas Major Lane and William Brown, trading under the style or title of Lane and Brown, were licensed to occupy a part of the foreshore and land below low-water mark of Whangaroa Harbour for the purpose of using and maintaining thereon a sawmill and shed, erected in accordance with plans marked M.D. 2229A and 2251 respectively, and deposited in the office of the Marine Department at Wellington, for a period of fourteen years from the thirtieth day of March, one thousand eight hundred and ninety-nine: