

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 :

“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.

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 shop as shown on the plan marked M.D. 3715 (sheet 1), 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 first day of April in each year, the first of such annual payments 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 persons in the Government service acting and in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said shop without payment.

5. The licensees shall maintain the above-mentioned shop in good order and repair.

6. Any person authorized by the Minister may at all reasonable times enter upon the said shop 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 shop, requiring the licensees within a reasonable time, to be therein prescribed, to repair the shop, the licensees shall with all reasonable 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 in force for fourteen years from the 1st of April, 1925, 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.

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 shop 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.

10. The licensees shall be liable for any injury which the said shop 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 shop 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.

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

13. The occupation of the said shop shall be sufficient evidence of the acceptance by the licensees of the terms and conditions of this Order in Council.

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

Licensing the New Zealand Co-operative Dairy Company (Limited) to use and occupy a Part of the Foreshore at Netherton, on the Waihou River, Thames, as a Site for Wharves.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of May, 1925.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the eighth day of April, one thousand nine hundred and eleven, and published in the *New Zealand Gazette* No. 34, of the twenty-seventh day of the same month, the Thames Valley Co-operative Dairy Company (Limited) was licensed to use and occupy a part of the foreshore and land below low-water mark at Netherton, on the Waihou River, Thames, as shown on plan marked M.D. 3635 deposited in the office of the Marine Department at Wellington, in order to erect and maintain wharves thereon, to be erected in accordance with plan M.D. 3635, deposited as aforesaid, for the term of fourteen years, computed from the eighth day of April, one thousand nine hundred and eleven, on the terms and conditions therein expressed :

And whereas the said license has been, with the consent of the Minister of Marine, transferred to the New Zealand Co-operative Dairy Company (Limited), who with its successors and assigns is hereinafter referred to as “the company” :

And whereas the company has 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 :

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 company 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 company to use and occupy that part of the foreshore and land below low-water mark on which the said wharves are erected, as shown on the plan M.D. 3635 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharves ; such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

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“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 wharves as shown on the plan marked M.D. 3635, 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