

and eighteen, and dues and rates were prescribed for the use of the said wharf:

And whereas Leslie James Rattenbury has left the district and Sidney Southcott has been appointed to act with the said Thomas Benjamin Waters as trustees for the inhabitants of the district:

And whereas the said license has expired and the said Thomas Benjamin Waters and Sidney Southcott as trustees for the inhabitants of the district (who with their executors, administrators, and assigns are hereinafter called "the licensees") have made application for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of seven years, computed from the expiry of the term of the said last-mentioned license, and it is expedient to grant the same for the term and subject to the 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 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 by 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 out 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.

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 the land below low-water mark adjacent thereto necessary for the maintenance of the wharf, as shown between Points C and D on sheet 1 of the plan marked M.D. 3393 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 £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 11th day of March, 1925, to the 31st day of March, 1925, 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, shall at all times have free ingress, passage, and egress into, through, and out of the said wharf, without payment.

6. The licensees shall maintain the said wharf 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 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, 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 inconsis-

tent 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.

9. The ballast of all vessels loading at the said wharf 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 the term of seven years, computed from the 11th day of March, 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 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, 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 any structure on the said premises may cause any vessel or boat to sustain through any default or neglect on the part of the licensees.

13. In case the licensee 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 for a period of thirty days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any law 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 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 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, right, 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 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 to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensees.

SECOND SCHEDULE.

LIST OF GOODS TO BE CHARGED AT PER TON WHARFAGE ON WEIGHT OR MEASUREMENT.

Shipping Wharfage.

1. EVERY person who shall use the wharf with any vessel shall pay to the trustees for the use thereof as follows, that is to say:—

For every vessel a sum of 2d. per ton on the gross tonnage of such vessel per day for each day or part of a day a vessel shall occupy a berth alongside any vessel lying at the said wharf, or shall lie at the said wharf undergoing repairs or fitting out only, or shall lie at the said wharf with a line attached thereto.

If any ship shall use this wharf for the discharge of any goods or cargo after the usual working-hours or on wharf holidays, such ship shall pay to the trustees for the use of the said wharf a charge at the rate of 1s. per ton on all goods or cargo so discharged from such ship.

Goods Wharfage.

2. Every person who shall use the wharf for landing or shipping any goods shall, before using the same, pay to the trustees dues as follows, that is to say:—

For all goods landed on this wharf, a rate of 2s. 6d. per ton weight or measurement, at the option of the wharfinger. Minimum charge, 6d.

For every head of cattle or horses landed upon or shipped from the said wharf, 2s. 6d. per head.