

7. TELEGRAPH-LINES.

The licensee shall rectify to the satisfaction of the Minister of Railways or the Minister of Telegraphs any interference or disturbance caused by the erection or operation of the licensee's system that affects the satisfactory working of the telegraph-lines which are the property of the Railway Department or the Telegraph Department and which were erected prior to the licensee's lines.

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

(P.W. 26/1115/1.)

Licensing Orry Richard Hope, Frederick Peter Archer, Robert Charles Harvey, and Henry Francis Brown, as Trustees, to use and occupy a Part of the Foreshore of Elaine Bay, Pelorus Sound, as a Site for a Wharf.

CHARLES FERGUSSON, Governor-General.

By his Deputy,
CHARLES PERRIN SKERRETT.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 6th day of May, 1926.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the second day of November, one thousand nine hundred and ten, and published in the *New Zealand Gazette* No. 99, of the seventeenth day of the same month, Herbert Rudstone Brown, Orry Richard Hamilton Hope, Edward Harvey, and David Alexander Stuart were licensed to occupy a part of the foreshore and land below low-water mark of Elaine Bay, Pelorus Sound, for the purpose of using and maintaining thereon a wharf, erected in accordance with plans marked M.D. 3589 (two sheets), and deposited in the office of the Marine Department at Wellington, for a period of fourteen years from the second day of November, one thousand nine hundred and ten :

And whereas the said license has expired, and Orry Richard Hope, Frederick Peter Archer, Robert Charles Harvey, and Henry Francis Brown, 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 fourteen 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 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 parts of the foreshore and the land below low-water mark necessary for the said wharf, as shown on the plans marked M.D. 3589

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 one shilling, 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 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 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.

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 fourteen years, computed from the 22nd day of November, 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.

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 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 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.

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