

muri River: be all the aforesaid linkages more or less. As the same is delineated on the plan marked L. 1022, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (Auckland plan 11618, blue.)

Also all that area in the Auckland Land District, containing by admeasurement 2 acres 0 roods 18·3 perches, more or less, being portion of land known as Corne's Agricultural Lease, Block I, Aroha Survey District, and Block XIII, Ohinemuri Survey District. Bounded towards the north generally by a public road, 180 and 126·4 links; towards the north-east by the New Zealand Crown Mines Special Site, 592·25 links; towards the south-east by water-pipe reserve 343 links; and towards the south-west by a public road, 725·1 links: be all the aforesaid linkages more or less. As the same is delineated on the plan marked L. and S. 1/29 deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (Auckland plan No. 11618.)

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

Licensing Walter Robert Rope to use and occupy a Part of the Foreshore at Te Kopuru, in Kaipara Harbour, as a Site for a Wharf and Slip.

CHARLES FERGUSSON, Governor-General.

By his Deputy,

CHARLES PERRIN SKERRETT.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of May, 1926.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twenty-ninth day of August, one thousand nine hundred and eleven, and published in the *New Zealand Gazette* No. 70, of the thirty-first day of the same month, Edward Richard Rope, Walter Robert Rope, and Basil Vernon Rope (trading under the style or title of "Rope Bros.") were licensed to use and occupy a part of the foreshore and land below low-water mark at Te Kopuru, in Kaipara Harbour, as shown on plans marked M.D. 3696, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain a wharf and slip thereon, to be erected in accordance with the said plan, and deposited as aforesaid, for the term of fourteen years, computed from the twenty-ninth day of August, one thousand nine hundred and eleven, on the terms and conditions therein expressed:

And whereas Walter Robert Rope (who with his executors, administrators, and assigns is hereinafter referred to as "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 maintaining the said wharf and slip thereon, 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 maintenance of the said wharf and slip as shown on the plan M.D. 3696, 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 29th day of August, 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 and slip, 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 and slip without payment.

6. The licensee shall maintain the above-mentioned wharf and slip 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 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 slip, and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensee in New Zealand a notice in writing of any defect or want of repair in such wharf and slip requiring the licensee, within a reasonable time to be therein prescribed, to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensee 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 slip shall be taken away by the licensee 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 to be in force for fourteen years from the 29th day of August, 1925, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee 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, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

12. The licensee shall be liable for any injury which the said wharf and slip may cause any vessel or boat to sustain through any default or neglect on licensee's part.

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 and slip 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 of the said cases this Order in Council, and every license, right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensee 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 licensee, 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 licensee shall, if required by the Minister so to do, remove the said wharf and slip 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 licensee fails so to do, the Minister may cause the said wharf and slip to be removed and the site so restored and may recover the costs incurred by the said removal and restoration from the licensee.

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