

3. Fail to pay the sums specified in clauses 3 and 4 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 company or other proceedings whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, 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or interested, that this Order in Council and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

11. Payment by the company of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Licensing Frederick Charles Aldridge, James MacKay, and Harold Odell as Trustees to use and occupy a Part of the Foreshore of Takamatua as a Site for a Wharf.

CHARLES FERGUSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of September, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the first day of August, one thousand nine hundred and ten, and published in the *New Zealand Gazette* No. 75, of the fourth day of the same month, the management of the wharf at Takamatua, erected in accordance with plan marked M.D. 3541, deposited in the office of the Marine Department at Wellington, was vested in George Armstrong, George Phillips, and William Sunckell, as trustees for the inhabitants of the district, for a period of fourteen years from the first day of August, one thousand nine hundred and ten, and dues and rates were prescribed for the use of the said wharf :

And whereas George Armstrong, George Phillips, and William Sunckell have left the district, and whereas Frederick Charles Aldridge, James MacKay and Harold Odell have been appointed to act as trustees for the inhabitants of the district :

And whereas the said license has expired, and the said Frederick Charles Aldridge, James MacKay, and Harold Odell 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 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 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 plan 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 on the plan marked M.D. 3541 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 £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 1st day of August, 1926, to the 31st day of March, following, 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 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 1st day of August, 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