

the Panmure Wharf, at Panmure, erected in accordance with the plan marked P.W.D. 18140, and deposited in the office of the Marine Department at Wellington, was vested in the Panmure Township Road Board :

And whereas the said license has been, with the consent of the Minister of Marine, transferred to Messrs. William Fraser McCallum, Alexander Fraser McCallum, and Daniel Fraser McCallum, of Auckland, trading under the style or title of "McCallum Brothers" (who, with their executors, administrators, and assigns are hereinafter called "the licensees") :

And whereas the licensees have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen years, and it is advisable to grant the same, and to prescribe the dues and rates which shall be charged and taken for the use of the said wharf :

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 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 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 forth in the First Schedule hereto; and doth hereby prescribe that the dues and rates set forth in the Second Schedule hereto shall, on and from the date of this Order in Council, be charged and taken for the use of the said wharf.

FIRST SCHEDULE.

CONDITIONS.

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 adjacent thereto, necessary for the maintenance of the wharf, at the site shown on the plan marked P.W.D. 18140.

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 1st day of April in each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st March following to be paid on the licensees being supplied with a copy of this Order in Council.

4. All His Majesty's subjects shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf, and rights of ingress and egress thereto 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, over, and out of the said wharf without payment.

6. The licensees shall maintain and keep the above-mentioned wharf and all erections on or in connection with the 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 new light shall be exhibited until after it has been approved by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharf and any buildings erected on the wharf or in connection therewith, and view the state of repair thereof; and upon his 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 or buildings, requiring the licensees within a reasonable time, to be therein prescribed, to make good or 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 regula-

tion of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulation 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 hereby conferred shall continue in force for fourteen years, computed from the date hereof, 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 rights, powers, and privileges conferred under or by virtue of this Order in Council 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 may be caused at the said wharf to any vessel or boat 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.) Fail to pay the sums specified in clause 3 of these conditions; or
- (4.) Become bankrupt or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy,—

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 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, 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 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.

DUES AND RATES.

Wharfage.

EVERY person who shall use the wharf for landing or shipping goods shall pay to the licensees wharf dues in respect of the landing and shipping of such goods as follows—that is to say,—

For all goods (except such as are hereinafter provided for) landed or shipped at weight or measurement, according to shipping usage—	s. d.
Timber (per 100 superficial feet)	2 0
Bricks (per hundred)	1 0
Manures, fertilizers, &c. (per ton)	0 9
All other goods not specified (per ton or part of a ton)	1 0
For passengers, landed and/or shipped (per head)	0 3
For all vessels berthing at wharf (per day or part of a day)	5 0

J. W. BLACK,

Acting Clerk of the Executive Council.

Licensing Messrs. R. O. Clark (Limited) to use and occupy a Part of the Foreshore at Hobsonville, in Auckland Harbour.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of January, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the sixteenth day of December, one thousand nine hundred and twelve, and published in the *New Zealand Gazette* No. 92, of the