

(sheet 1), deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured green.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 4th day of May, 1927.

K. S. WILLIAMS, Minister of Public Works.

GOD SAVE THE KING!

(P.W. 19/511.)

*Licensing the Wilsons (N.Z.) Portland Cement (Limited) to use and occupy a Part of the Foreshore of Whangarei Harbour as a Site for a Wharf.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of April, 1927.

Present:

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

WHEREAS by Orders in Council dated the eighth day of December, one thousand nine hundred and thirteen, and published in the *New Zealand Gazette* No. 88, of the eleventh day of the same month, the tenth day of July, one thousand nine hundred and sixteen, and published in the *New Zealand Gazette* No. 78, of the twentieth day of the same month, and the seventeenth day of November, one thousand nine hundred and nineteen, and published in the *New Zealand Gazette* No. 135 of the twentieth day of the same month, the Dominion Portland Cement Company (Limited) was licensed to occupy a part of the foreshore and land below low-water mark in Whangarei Harbour, as shown on plans marked M.D. 4164, 4615, 4633, and 5095 (two sheets), and deposited in the office of the Marine Department at Wellington, in order to erect and maintain a wharf and two extensions thereof thereon to be erected in accordance with the said plans, and deposited as aforesaid, for the term of fourteen years, computed from the eighth day of December, one thousand nine hundred and thirteen.

And whereas the said license was, with the consent of the Minister of Marine, transferred to Wilsons (N.Z.) Portland Cement (Limited), (who, with its successors and assigns is hereinafter called "the company"):

And whereas the said company has applied for a fresh license under the Harbours Act, 1923, (hereinafter called "the said Act"), 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 acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby license and permit the company to use and occupy those parts of the foreshore and land below low-water mark which are more particularly shown and delineated on plans marked M.D. 4164, 4615, 4633, and 5095 (two sheets), and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining the said wharf erected thereon, such license to be held and enjoyed by the company 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 the 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 occupied by the said wharf as shown on the plans marked M.D. 4164, 4615, 4633, and 5095 (two sheets).

3. In consideration of the concessions and privileges granted by this Order in Council the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £7 in advance, payable on the 1st day of April in each year.

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4. 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.

5. The company shall grant to the public using the wharf a general right-of-way connecting the wharf with the county road fronting Section 113, Parish of Maungatapere.

6. All persons, firms, or companies, with the exception of Wilsons (N.Z.) Portland Cement Company (Limited), using the wharf shall pay shipping and goods wharfage charges in accordance with the scale of charges prescribed by the Whangarei Harbour Board's by-laws for the time being in force.

7. All persons shall, at all reasonable times, and 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.

8. The company shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom and maintain at the company'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.

9. 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 registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

10. Nothing herein contained shall authorize the company to do or cause to be done anything repugnant to or inconsistent with any law relating to the 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.

11. The ballast of all vessels loading at the said wharf shall be taken away by the company 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.

12. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force until the 31st day of March, 1941, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the company shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

13. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the wharf at the company's cost, without payment of any compensation whatever, on giving to the company 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 registered office of the company in New Zealand:

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

15. In case the company 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.) Be in any manner wound up or dissolved; 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 company 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 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.

16. 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 company 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 company 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 company.

17. The occupation of the said wharf 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.