

twenty-seven, and dues and rates, and regulations, were prescribed and made for the use of the said wharves:

And whereas the period for which the management of the said wharves was vested in the Council has expired, and it is desirable to vest the same, together with the wharves at Big Omaha, Ti Point, Leigh (Little Omaha), and on Mahurangi River, as shown on plans marked M.D. 5791, 2015, 257, 258, 259, 260, 3687, 2317, and 2318, in the Council for a further period of fourteen years, computed from the first day of August, one thousand nine hundred and twenty-seven:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by section one hundred and eighty-six of the Harbours Act, 1923 (hereinafter called "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 vest in the Council the management of the said wharves at Port Albert, Mahurangi Heads, Matakana Sandspit, Upper Matakana, Puhoi, Warkworth, Big Omaha, Ti Point, Leigh, and on the Mahurangi River, upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe the dues and rates, and make the regulations set forth in the Second Schedule hereto, for the use of the said wharves.

### FIRST SCHEDULE.

#### CONDITIONS OF MANAGEMENT.

##### 1. IN these conditions the terms—

"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 said wharves.

3. 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 wharves and rights of ingress and egress thereto and therefrom.

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, over, and out of the said wharves without payment.

5. The Council shall maintain and keep the above-mentioned wharves and all erections on or in connection with the wharves in good order and repair; and shall at all times exhibit therefrom and maintain at the Council's 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.

6. All dues and rates received on account of the said wharves by the said Council shall be applied to keeping the said wharves and all erections on or in connection with such wharves in good order and repair.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharves and any buildings erected on the wharves or in connection therewith, and view the state of repair thereof, and upon the Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such wharves or buildings, requiring the Council within a reasonable time to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

8. The ballast of all vessels loading at the said wharves shall be taken away by the Council 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.

9. The Council shall not erect, or suffer to be erected, on the said wharves any building or structure whatever, except with the consent of the Minister.

10. The Council shall keep a separate account of the receipts and expenditure on account of such wharves and premises, and shall cause such account to be balanced on the 31st of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

11. The Council shall appoint all officers necessary for the working and management of the said wharves.

12. Nothing herein contained shall authorize the Council 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 regulation thereunder, and that are now or may hereafter be in force.

13. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 1st day of August, 1927, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

14. 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 Council 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 Council in New Zealand.

15. The Council shall be liable for any injury which may be caused at the said wharves or any of them to any vessel or boat through any default or neglect on the part of the Council.

16. In case the Council shall—

(1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or

(2) Cease to use or occupy the said wharves for a period of thirty consecutive days;

then, and in either 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 Council 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 Council, and to all persons concerned or interested, that this Order in Council, and the licenses, rights, and privileges thereby granted and conferred, have been revoked and determined.

17. 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 Council shall, if required by the Minister so to do, remove the said wharves or wharf entirely from the sites or site and restore the sites or site to their or its original condition within three months from the date of the revocation or expiry, as the case may be; and if the Council fails so to do, the Minister may cause the said wharves or wharf to be removed and the sites or site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

### SECOND SCHEDULE.

#### WHARFAGE ON VESSELS.

	£	s.	d.
REGULAR trading-steamers and sailing vessels, for each wharf per half-year, if paid in advance, per ton register	0	0	6
Minimum charge for each wharf (with the exception of the Upper Matakana and Warkworth Wharves) per half-year, if paid in advance	1	0	0
Minimum charge for the Upper Matakana and Warkworth wharves shall be, each, per annum	15	0	0
Irregular trading-vessels of any class, for each time they come alongside a wharf, per ton register	0	0	1
Minimum charge	0	2	6

All vessels which do not pay their dues in advance will be deemed to be irregular trading-vessels.

Vessels coming alongside of the wharves will be held responsible for any damage done to the wharves, and the said Council will repair any such damage and charge the cost of doing so against the master or owner of the vessel doing the damage.

The half-year will commence on the 1st days of January and July in each year.

The masters or owners of all regular trading-vessels shall pay their dues in advance to the Treasurer of the said Council.

All dues payable by irregular trading-vessels shall be paid to the treasurer of the said Council, or to some one appointed by him to receive them, the payments to be made by the master or owner of the vessel upon the first application.

#### WHARFAGE ON GOODS.

	s.	d.
All goods (with the exception of shingle and metal) landed on or shipped from any wharf (with the exception of Port Albert wharf), per ton weight or measurement	1	0
All goods landed on or shipped from Port Albert wharf per ton weight or measurement	0	6
For all metal or shingle landed on or shipped from any wharf or loading-stage by any person, firm, company, or local authority, for loading only, per cubic yard	1	0
Minimum charge	0	2

All goods not removed from the wharves or sheds within seven days will be charged 6d. per ton per week or part of a week.