

And whereas it is expedient that a license should be granted and issued to the company under the said Act, for the purposes aforesaid, on the terms and conditions hereinafter expressed, 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 company 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 company to use and occupy that part of the foreshore and land below low-water mark on which the said wharf and shed is to be erected, as shown on the plan M.D. 6456 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf and shed ; such license to be held and enjoyed by the company 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 be charged and taken by the company for the use of the said wharf and shed.

FIRST SCHEDULE.

1. In these conditions the term—

“ Foreshore ” means such part 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 erection of the said wharf and shed as shown on the plan marked M.D. 6456 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 company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 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 date hereof until the 31st March following to be paid on the company 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 shed, and all rights of ingress and egress thereon and therefrom.

5. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said wharf and shed without payment.

6. The company shall maintain the above-mentioned wharf and shed 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.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharf and shed 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 and shed, requiring the company within a reasonable time, to be therein prescribed, to repair the wharf and shed, the company shall with all reasonable speed cause such defect to be removed or such repairs to be made.

8. 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 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 shed 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.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the date hereof, 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 written consent of the Minister first obtained.

11. 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 and shed at the company's own 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.

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

13. 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 and shed for a period of thirty days ;

(3) Fail to pay the sums specified in clause 3 of these conditions ; or

(4) Be in any manner wound up or dissolved,—

then, and in any of the said cases, 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 whatever ; 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.

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 company shall, if required by the Minister so to do, remove the said wharf and shed 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 and shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

15. The erection of the said wharf and shed shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

SECOND SCHEDULE.

DEAD cargo landed on wharf (per ton or part of a ton, weight or measurement), 1s. per ton.

DEAD cargo shipped from wharf (per ton or part of a ton, weight or measurement), 1s. per ton.

Cattle and horses, 1s. per head.

Sheep, pigs, and goats, 1d. per head.

F. D. THOMSON,

Clerk of the Executive Council.

The Southern Side of Portion of Jackson Street, in the Borough of Petone, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 24th day of March, 1928.

Present :

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

IN pursuance and exercise of the powers conferred by the Public Works Act, 1908, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Petone Borough Council on the fourteenth day of November, one thousand nine hundred and twenty-seven, viz. :—

“ The Petone Borough Council, being the local authority having control of the street hereinafter mentioned, hereby resolves and declares that the provisions of subsection one of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to the south side of that portion of Jackson Street, within the Borough of Petone, lying