

modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege, without the written consent of the Minister first obtained.

9. 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 licensee 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 licensee in New Zealand.

10. The licensee shall be liable for any injury which the factory and shop, or any other work placed or constructed thereon, may cause any vessel or boat to sustain through any default or neglect on the part of the licensee.

11. In case the licensee 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 factory and shop for a period of thirty days;
- (3) Become bankrupt or be 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, 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 licensee or any other proceeding whatever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee, 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. 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 licensee shall, if required by the Minister so to do, remove entirely from the site any structures thereon, 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 licensee fails so to do, the Minister may cause the said structure to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

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

*Licensing Messrs. A. S. Andrewes and Sons to use and occupy a Part of the Foreshore at Rawene, Hokianga Harbour, as a Site for a Store.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of December, 1928.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the tenth day of August, one thousand nine hundred and fourteen, and published in the *New Zealand Gazette* No. 84, of the thirteenth day of the same month, Messrs. Alfred Andrewes, George Andrewes, Frank Andrewes, and Arthur Edmund Andrewes, trading under the style or title of "A. S. Andrewes and Sons," of Opononi (who, with their executors, administrators and assigns is hereinafter referred to as "the licensees"), were licensed to use and occupy a part of the foreshore at Rawene, in Hokianga Harbour, as a site for a store, erected in accordance with the plans marked M.D. 4288 and 4293, and shown as site No. 4 thereon, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the tenth day of August, one thousand nine hundred and fourteen:

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:

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 said 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 which is particularly shown and delineated as site No. 4 on the plans so deposited as aforesaid, for the purpose of maintaining the store aforesaid thereon, such license to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the Schedule hereto.

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 as 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 necessary for the maintenance of the said store, at the site shown as No. 4, on the plans marked M.D. 4288 and 4293.

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 10th August, 1928, until the 31st March following to be paid in the licensees being supplied with a copy of this Order in Council.

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 store without payment.

5. The licensees shall maintain and keep the above-mentioned store and all erections on or in connection with the store 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.

6. Any person authorized by the Minister may at all reasonable times enter upon the said store and any buildings erected on the store 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 licensees in New Zealand a notice of writing of any defect or want of repair in such stores 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.

7. 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 regulation 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.

8. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 10th day of August, 1928, 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.

9. 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.

10. The licensees shall be liable for any injury which may be caused at the said store to any vessel or boat through any default or neglect on the part of the licensees.

11. 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 store 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 act for the time being in force 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