

of the power and authority hereinbefore mentioned, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the Order in Council referred to in the Schedule hereto.

SCHEDULE.

ORDER in Council under section 363 of the Native Land Act, 1909, dated the 1st day of October, 1928, and published in the *New Zealand Gazette* of 11th October, 1928, affecting Murimotu 3B 2 Block.

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

*Licensing the Devonport Steam Ferry Company, Ltd., to use and occupy a Part of the Foreshore and Land below Low-water Mark at Pine Island, in Auckland Harbour, as a Site for a Wharf.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of June, 1929.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Devonport Steam Ferry Company, Limited (hereinafter called "the company"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark adjacent thereto at Pine Island, in Auckland Harbour, as shown on plan marked M.D. 6667, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf ;

And whereas it has been made to appear to the Governor-General in Council that the said work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor-General in Council :

And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the company on the terms and conditions set forth in the Schedule hereto :

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 immediately contiguous thereto, which are particularly shown and delineated on the plan marked M.D. 6667, so deposited as aforesaid, for the purpose of erecting and maintaining such wharf 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 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 that part of the foreshore and land below low-water mark necessary for the erection of such wharf, which are shown on the plan marked M.D. 6667, and deposited in the office of the Marine Department at Wellington.

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

5. 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.

6. The company shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit 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 view the state of repair thereof ; and upon such Minister leaving at or posting to the last known address 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, as the case may be.

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 with any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulation made thereunder, and that are now or may hereafter be in force.

9. The rights, powers, and privileges conferred by 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 rights, powers, or privileges without the previous written consent of the Minister first obtained.

10. 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 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 address of the company in New Zealand.

11. 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.

12. In case the company shall—

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

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

(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 proceeding whatsoever ; and publication in the *New Zealand Gazette* of any 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 conferred have been revoked and determined ; and upon such revocation the Minister may cause the said wharf to be removed, and may recover the cost incurred by any such removal from the company.

13. Payment of the sums mentioned in clause 3 hereof 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.

*Postal Regulations : Bullion and Jewellery.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of June, 1929.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Orders in Council dated the seventeenth day of January, one thousand nine hundred and ten, and the fifteenth day of August, one thousand nine hundred and twenty-seven, and published in the *New Zealand Gazette* of the eighteenth day of January, one thousand nine hundred