

Declaring that Mussels shall be subject to Provisions of the Fisheries Act, 1908, relating to Artificial Oyster-beds.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of January, 1930.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is provided by section forty-six of the Fisheries Act, 1908, that the Governor-General may from time to time, by Order in Council gazetted, declare any particular species or description of edible shellfish (other than oysters) to be subject to such of the provisions of the principal Act (the Fisheries Act, 1908), relating to oysters or oyster-beds, as he thinks fit to specify in that behalf :

And whereas it is desirable to declare that the edible shellfish known as mussels shall be subject to the provisions of the principal Act hereinafter specified :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance of the hereinbefore-recited power and authority, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby declare that mussels shall, as from the date of gazetting of this Order in Council, be subject to the provisions of sections twenty-one and twenty-two of the Fisheries Act, 1908, relating to the granting of exclusive licenses to take oysters.

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

Licensing the Northern Steamship Company, Limited, to use and occupy a Part of the Foreshore and Land below Low-water Mark at Hohoura, as a Site for a Wharf, and prescribing Dues for its Use.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of January, 1930.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twenty-fourth day of May, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette*, No. 84, of the fifteenth day of July following, the Northern Steamship Company, Limited, of Auckland (hereinafter called "the company"), was licensed to use and occupy a part of the foreshore and land below low-water mark in Hohoura Harbour, as shown on plan marked M.D. 2417, and deposited in the office of the Marine Department at Wellington, in order to maintain thereon a wharf, as shown on the plan so deposited as aforesaid, for a term of fourteen years, computed from the twenty-seventh day of May, one thousand nine hundred and fifteen :

And whereas, the said license having expired, the company has made application for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen years, computed from the expiry of the term of the above-mentioned license, and it is expedient to grant the same for the term and subject to the conditions hereinafter expressed, and to prescribe the dues and rates to 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 purposes 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 is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the aforesaid wharf in connection therewith, 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, as from the twenty-seventh day of May, one thousand nine hundred and twenty-nine, be charged and taken for the use of the said wharf.

FIRST SCHEDULE.

1. In these conditions the term—

"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 :

"Foreshore" means such parts of the bed, shore, or banks of a navigable 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.

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 occupied by the said wharf, as shown on plan marked M.D. 2417.

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 £1, and thereafter an annual sum of £1 in advance, payable on the first day of April in each year.

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 all rights of ingress and egress thereon and therefrom.

5. 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.

6. The company shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at its 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 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.

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 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 to be in force for fourteen years from the twenty-seventh day of May, one thousand nine hundred and twenty-nine, 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, 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 may cause any vessel or boat to sustain through any default or neglect on the part of the company.

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 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 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 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,