

12. 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 wharf 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 law in force for the time being relating to bankruptcy;

then, and in either of the said cases, this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensees or any other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees 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concerned or interested that this Order in Council, and the license, rights, and privileges thereby conferred, have been revoked and determined.

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

A. W. MULLIGAN,
Acting Clerk of the Executive Council.

Licensing the Nobel (Australasia) Proprietary, Limited, to use and occupy a Part of the Foreshore and Land below Low-water Mark at Maraetai, as a Site for a Wharf, and prescribing Dues for the Use thereof.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of December, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twenty-second day of September, one thousand nine hundred and twenty-four, and published in the *New Zealand Gazette*, No. 62, of the twenty-fifth day of the same month, the Nobel's Explosives Company, Limited, was licensed to occupy a part of the foreshore and land below low-water mark at Maraetai, for a period of five years, for the purpose of maintaining thereon a wharf, as the said area and wharf are shown on plan marked M.D. 2845, and deposited in the office of the Marine Department at Wellington, and was also licensed to use and occupy a further portion of the foreshore at Maraetai for the use in connection with the wharf and explosives buildings as shown on the plan marked M.D. 4118, and deposited in the said office of the Marine Department at Wellington:

And whereas the said license was, with the previous consent of the Minister of Marine, transferred on the twenty-third day of June, one thousand nine hundred and twenty-six, to the Nobel (Australasia) Proprietary, Limited (who, with its successors and assigns, is hereinafter called "the company"):

And whereas the said licenses have expired, and the company has applied for a further license under the Harbours Act, 1923 (hereinafter called "the said Act"), and it is advisable to grant the same for the period and subject to the terms and conditions set forth in the First Schedule hereto; and also to prescribe the dues and rates which may be taken and charged by the company 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 license and permit the company to use and occupy those parts of the foreshore and land below low-water mark which are more particularly shown and delineated on plans marked M.D. 2845 and M.D. 4118, and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining the said wharf erected thereon, 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 taken and charged by the company for the use of the said wharf.

FIRST 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 the part of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the wharf, as shown on plans marked M.D. 2845 (sheet 1) and M.D. 4118.
3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £1, and thereafter an annual sum of £10 in advance payable on the 1st 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 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 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 provision 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 22nd day of May, 1929, 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 previous 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 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 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 any of the said cases, this Order in Council, and every 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