

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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.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 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 fails 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 company.

SECOND SCHEDULE.

WHARFAGE.

	£	s.	d.
On every ordinary passenger or cargo steamship over 5 tons register using the wharf, per quarter or part of a quarter	1	1	0
On every steamer, 5 tons or under, per day or part of a day	0	1	0
On every sailing-vessel over 5 tons, per day or part of a day	0	2	0
On every sailing-vessel, 5 tons or under, per day or part of a day	0	1	0
On every excursion-steamer, per day or part of a day	0	2	6

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

Licensing the Northern Steamship Company, Limited, to use and occupy Part of the Foreshore and Land below Low-water Mark of Rangauu Bay as a Site for a Wharf.

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-fourth day of July, one thousand nine hundred and sixteen, and published in the *New Zealand Gazette*, No. 81, of the twenty-seventh day of the same month, the Northern Steamship Company, Limited (who with its successors and assigns is hereinafter referred to as "the company"), was licensed for the term of fourteen years computed from the twentieth day of January, one thousand nine hundred and sixteen, to use and occupy part of the foreshore and land below low-water mark of Rangauu Bay in order to maintain thereon a wharf, erected in accordance with plan marked M.D. 2497, and deposited in the office of the Marine Department at Wellington:

And whereas the company has applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen years, and it is desirable 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 conferred upon 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 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 which is particularly shown and delineated on plan M.D. 2497, so deposited as aforesaid, for the purpose of maintaining thereon the said wharf, 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.

- 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.
- The concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the

foreshore occupied by the said wharf as shown on plan marked M.D. 2497.

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 £1 in advance, payable on the 1st day of April each year, the first of such payments to be made 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, and out of the said wharf without payment.

5. All persons shall at all reasonable times, and upon payment of the prescribed 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 said wharf in good order and repair, and shall at all times exhibit from the said wharf 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 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 the said 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 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 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 20th day of January, 1930, 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 said wharf at the company's 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 address 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) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy; or
- (4) Fail to pay the sum specified in clause 3 of these conditions;

then, and 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 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 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 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 fails 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 company.

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