

Acclimatization District in New Zealand, except in Rotorua Acclimatization District and Taupo waters, from the day of 19, to the day of 19, subject to the said Acts and to the regulations made thereunder and to the regulations for the time being in force in the Buller Acclimatization District, and to the local regulations for the time being in force in other Acclimatization Districts.

Dated at this day of 19.

Secretary, Buller Acclimatization Society.

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 Opononi, Hokianga Harbour, as a Site for a Wharf, and prescribing Dues for the Use of the same.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of April, 1931.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the thirteenth day of May, one thousand nine hundred and twenty-four, and published in the *Gazette* of the twenty-second day of the same month, at page 1281, Messrs. Alfred Andrewes, George Andrewes, Frank Andrewes, and Arthur Edmund Andrewes, of Opononi, trading under the style or title of "A. S. Andrewes and Sons" (hereinafter called "the licensees," in which term is to be construed, unless the context requires a different construction, their executors, administrators, and assigns), were licensed to use and occupy a part of the foreshore and land below low-water mark at Opononi, in Hokianga Harbour, as shown on plan marked M.D. 1491, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain thereon a wharf, to be erected in accordance with plan marked M.D. 1492, deposited as aforesaid, for the term of seven years, computed from the twenty-fourth day of March, one thousand nine hundred and twenty-four, on the terms and conditions therein expressed; and dues and rates were prescribed to be charged and taken for the use of the said wharf:

And whereas the licensees have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of fourteen years, and it is advisable to grant the same, and to prescribe the dues and rates which shall 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 purpose or object for which the said license is required by the 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 and of the land below low-water mark immediately contiguous thereto which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of using the wharf aforesaid in connection therewith, such license to be held and enjoyed by the licensees 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 charged and taken by the licensees 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 necessary for the

maintenance of the said wharf, as shown on the plan marked M.D. 1491, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall pay to the Minister the sum of £1, 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 24th day of March, 1931, until the 31st March following to be paid on the licensees being supplied with a copy of this Order in Council.

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 licensees shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom and maintain at their 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 licensees in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring the licensees, within a reasonable time, to be therein prescribed, to repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. 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 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 licensees and deposited above high-water mark, or at such place as may be approved of by the Minister, by the Harbourmaster at Hokianga, 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 24th day of March, 1931, 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 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 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.

12. The licensees 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 licensees' part.

13. 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) 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 sums specified in clause 3 of these conditions;

then, and in any such case, 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 licensees 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 licensees and to all persons concerned or interested, that this Order in Council, and the license, right, 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 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 revocation or expiry,