

7. Nothing herein contained shall authorize the licensee 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the thirtieth day of April, one thousand nine hundred and thirty-one, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the said boat-shed at the licensee's own cost, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

10. The licensee shall be liable for any injury which the said boat-shed may cause any vessel or boat to sustain through any default or neglect on the licensee's part.

11. In case the licensee 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 boat-shed 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 licensee or other proceeding whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee and to all persons concerned or interest that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. 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 licensee shall, if required by the Minister so to do, remove the said boat-shed 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 licensee fails so to do the Minister may cause the said boat-shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

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

Licensing Holdings Ltd. to use and occupy a Part of the Foreshore at Port Craig, Southland, as a Site for a Wharf and Breakwater.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 6th day of July, 1931.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the second day of July, one thousand nine hundred and seventeen, and published in the *Gazette* of the fifth day of the same month, at page 2702, the Marlborough Timber Company, Limited, was licensed to occupy for a period of fourteen years, computed from the second day of July, one thousand nine hundred and seventeen, a part of the foreshore and land below low-water mark at Port Craig, Southland, in order to erect and maintain thereon a wharf and breakwater, in accordance with plan M.D. 4747, and deposited in the 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 twentieth day of June, one thousand nine hundred and thirty, to Holdings Ltd., of Christchurch (hereinafter called "the company," in which term it is to be construed, unless the context requires a different construction, its successors or assigns):

And whereas the said license has expired, and the company has 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 on the terms and conditions hereinafter expressed:

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 which is particularly shown and delineated on plan 4747, so deposited as aforesaid, for the purpose of maintaining thereon a wharf and breakwater in accordance with the said plan; 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 the part of the foreshore and land below low-water mark necessary for the maintenance of the said wharf and breakwater as shown on plan M.D. 4747, so deposited as aforesaid.

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 in each year, the proportionate part of such rental in respect of the period from the 2nd day of July, 1931, until the 31st March following to be paid on the company 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 full liberty to use the said wharf and breakwater 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 and breakwater without payment.

6. The company shall maintain the above-mentioned wharf and breakwater 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 breakwater 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 and breakwater, requiring the company within a reasonable time, to be therein prescribed, to make good or repair the same, the company shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. The ballast of all vessels loading at the said wharf and breakwater shall be taken away by the company and deposited above high-water mark or at such places as may be approved by the Minister or by any person appointed by the Minister for that purpose.

9. 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.

10. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years, computed from the 2nd day of July, 1931, 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 rights, powers, and privileges conferred under and by virtue of this Order in Council may be at any time resumed