

shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

11. All dues and rates received on account of the said wharf by the Board shall be applied to keeping the said wharf and all erections on or in connection with such wharf in good order and repair.

12. The Board shall not erect, or suffer to be erected, on the said wharf, any building or structure whatever, except with the consent of the Minister.

13. The Board shall keep a separate account of the receipts and expenditure on account of such wharf and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

14. The Board shall appoint all officers necessary for the working and management of the said wharf.

15. The rights, powers, and privileges conferred under and by virtue of this Order in Council may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the Board 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 Board in New Zealand.

16. In case the Board 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;

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 Board or any other proceeding whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Board 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concerned or interested, that this Order in Council, and the license, rights, and privileges thereby conferred, have been revoked and determined.

17. The Board shall be liable for any injury which may be caused at the said wharf to any vessel through any default or neglect on the part of the Board.

18. 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 Board shall, if required 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 Board 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 Board.

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

Licensing the Coromandel County Council to use and occupy a Part of the Foreshore at Mercury Bay, Coromandel County, as a Site for a Wharf.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of August, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called "the said Act"), the Coromandel County Council (hereinafter called "the Council," in which term is to be construed, unless the context requires a different construction, its successors or assigns), has applied to the Governor-General in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark at Mercury Bay, Coromandel County, in order to construct a wharf thereon, and in accordance with the one hundred and seventy-first section of the said Act, has deposited plans in the office of the Marine Department at Wellington, marked M.D. 6972, showing the area of foreshore intended to be occupied :

And whereas it has been made to appear that the said wharf will not be or tend to the injury of navigation :

And whereas it is expedient that a license should be granted to the Council under the said Act, for the purpose aforesaid :

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 Council 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 Council 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 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 Council upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the terms—

"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.

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 said wharf at the site shown on the plans marked M.D. 6972.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall pay to the Minister an annual rental of 1s., payable on demand, such rent to date from the date of this Order in Council.

4. All persons shall, at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf, and rights of ingress and egress thereto 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, over, and out of the said wharf without payment.

6. The Council shall maintain and keep the above-mentioned wharf and all erections on or in connection with the said wharf in good order and repair; and shall at all times exhibit therefrom, and maintain at the Council's own cost, suitable and necessary lights for the guidance of vessels: Provided that no new light shall be exhibited until after it has been approved by the Minister.

7. All dues and rates received on account of the said wharf by the Council shall be applied to keeping the said wharf and all erections on or in connection with such wharf in good order and repair.

8. Any person authorized by the Minister may, at all reasonable times, enter upon the said wharf and any buildings erected on the said wharf, or in connection therewith, and view the state of repair thereof; and upon the Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such structures or buildings, requiring the Council, within a reasonable time, to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

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

10. The Council shall not erect, or suffer to be erected, on the said wharf any building or structure whatever, except with the consent of the Minister.

11. The Council shall keep a separate account of the receipts and expenditure on account of such wharf and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

12. The Council shall appoint all officers necessary for the working and management of the said wharf.

13. Nothing herein contained shall authorize the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulation thereunder, and that are now or may hereafter be in force.

14. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years from the date hereof, unless, in the meantime, such rights, powers, and privileges