

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 of the land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the said wharf in connection therewith, 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 as shown on the plans marked M.D. 2470 and 3001 so 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 company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 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 date hereof 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 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 address 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 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 master of all vessels discharging ballast at the said wharf shall have all such ballast taken away 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 date hereof, 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, 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 herein before 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 way 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 license, right, power, and privilege thereby conferred, 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 *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company and to all other 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.

15. The occupation of the said wharf shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Abolishing the No. 9 Transport District, and declaring the Areas comprised therein to be Two Transport Districts.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of February, 1932.

Present:

THE RIGHT HON. G. W. FORBES PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Transport Licensing Act, 1931, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby—

- (1) Abolish the Number Nine Transport District;
- (2) Declare that the areas comprised in such district shall be the two transport districts set out in the Schedule hereto;
- (3) Declare that the transport districts hereby created shall comprise the respective areas described in the said Schedule;
- (4) Assign to the transport districts hereby created the names set out in the said Schedule;
- (5) Declare that this Order in Council shall come into force on the publication thereof in the *Gazette*.

SCHEDULE.

No. 9 TRANSPORT DISTRICT.

ALL that area situated within the boundaries of the Counties of Waitaki, Vincent, Maniototo, Waihemo, Waikouaiti, Taieri, Tuapeka, Bruce, Clutha, and Lake, exclusive of the City of Dunedin; the Boroughs of Green Island, Port Chalmers West Harbour, and St. Kilda; and the area of the No. 225 Main Highway from Dunedin to Port Chalmers, but inclusive of all other boroughs and town districts therein or contiguous thereto.

No. 10 TRANSPORT DISTRICT.

All that area situated within the boundaries of the Counties of Fiord, Wallace, Southland, and Stewart Island, including all boroughs and town districts therein or contiguous thereto.

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

(TT. 19/2.)