

Marine Department at Wellington, in order to erect and maintain thereon a wharf, as shown on the said plan so deposited as aforesaid, for the term of fourteen years computed from the twenty-fourth day of June, one thousand nine hundred and eighteen, on the terms and conditions therein expressed:

And whereas the said license was with the consent of the Minister of Marine transferred to Stanley Bassett, of Hokitika (hereinafter called "the licensee," in which term is to be construed, unless the context requires a different construction, his executors, administrators, and assigns):

And whereas the licensee 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:

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 licensee 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 licensee 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 licensee 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 or under 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. 4941, 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 licensee shall pay to the Minister the sum of £1, and thereafter an annual sum of £1 in advance payable on the first day of April in each year, the proportionate part of such rental in respect of the period from the twenty-fourth day of June, one thousand nine hundred and thirty-two, until the thirty-first day of March following, to be paid on the licensee 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 licensee shall maintain the above-mentioned wharf in good order and repair and shall at all times exhibit therefrom and maintain at the licensee'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 licensee in New Zealand a notice in writing of any defect or want of repair in such wharf requiring the licensee, within a reasonable time, to be therein prescribed, to repair the same, the licensee shall, with all convenient speed, cause such defect to be removed, or such repairs to be made.

8. 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 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 twenty-fourth day of June, one thousand nine hundred and thirty-two, 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.

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 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.

12. The licensee 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 licensee's part.

13. 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 wharf for a period of thirty consecutive 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 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 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 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 licensee 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 licensee fail 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 licensee.

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

Mount Eden Fire District constituted.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of June, 1932.

Present:

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

WHEREAS by section three of the Fire Brigades Act, 1926 (hereinafter termed "the said Act"), it is provided that the Governor-General may, by Order in Council, on the application of any Borough Council, declare the district within the jurisdiction of such Borough Council to be a fire district under the said Act:

And whereas an application has been made by the Mount Eden Borough Council in accordance with the provisions of the said Act, and it appears expedient to grant the said application:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby declare the Borough of Mount Eden to be a fire district under the said Act, as on and from the seventeenth day of June, one thousand nine hundred and thirty-two.

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

(I.A. 11/32/41.)