

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the wharf and training-walls at the company's own cost, 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 registered office of the company in New Zealand.

12. The company shall be liable for any injury which the said wharf and training-walls 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 hereinbefore set forth, or any of them ;
- (2) Cease to use or occupy the said wharf and training-walls for a period of thirty consecutive days ;
- (3) Fail to pay the sum specified in clause 3 of these conditions ;
- (4) Be in any manner wound up or dissolved ;
- (5) Fail to proceed with the construction of the wharf and training-walls within twelve months from the date of this Order in Council ;

then, and in any of the said cases, 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 company or other proceedings whatsoever ; and publication in the *Gazette* of any Order in Council containing such revocation shall be sufficient notice to the company, and to all 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.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 and training-walls 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 and training-walls to be removed and the site so restored, and may recover from the company the cost incurred by the said removal and restoration.

15. The erection of the said wharf and training-walls 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.

Licensing Henry George Rose to use and occupy a Part of the Foreshore and Land below Low-water Mark at Horeke, Hokianga Harbour, as a Site for a Store.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 12th day of February, 1934.

Present :

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

WHEREAS by Order in Council dated the fifth day of February, one thousand nine hundred and twenty, and published in the *Gazette* of the twelfth day of the same month, at page 493, Bertram George Queenin, of Horeke, was licensed to use and occupy, for a period of fourteen years, computed from the fifth day of February, one thousand nine hundred and twenty, a part of the foreshore and land below low-water mark at Horeke, Hokianga Harbour, in order to erect and maintain thereon a store, in accordance with plan marked M.D. 5116, and deposited in the office of the Marine Department at Wellington :

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

And whereas the said license has expired, and the licensee has applied for a further 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

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 land below low-water mark which is particularly shown and delineated on plan marked M.D. 5116, so deposited as aforesaid, for the purpose of maintaining thereon a store erected in accordance with the said plan ; 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 this Order in Council shall extend and apply only to the part of the foreshore and land below low-water mark occupied by the said store, as shown on plan M.D. 5116 so deposited 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 rental 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 5th day of February, 1934, until the 31st March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. 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 store without payment.

5. The licensee shall maintain the above-mentioned store in good order and repair.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said store 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 store, requiring the licensee, within a reasonable time, to be therein prescribed, to make good or repair the same, the licensee shall, with all convenient speed, cause such defect to be removed, or such repairs to be made.

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 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years, computed from the 5th day of February, 1934, 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 previous written consent of the Minister first obtained.

9. The said 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 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 store may cause any vessel or boat to sustain through any default or neglect on the part of the licensee.

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 store for a period of thirty consecutive days ;
- (3) Become bankrupt or be brought under the operation of any law for the time being in force 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 right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensee or any 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