

12. 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 for a period of thirty consecutive days ;
- (3) Fail to pay the sums specified in clause 3 of these conditions ; or
- (4) Be in any manner wound up or dissolved ;

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 company or any 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 persons concerned or interested that this Order in Council, and the license, rights, and privileges thereby conferred, have been revoked and determined.

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

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 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 company fails so to do the Minister may cause the said wharf to be removed and the site so restored, and may recover from the company the costs incurred by the said removal and restoration.

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

Licensing the Paturau Valley Estate Proprietary, Limited, to use and occupy a Part of the Foreshore at Mangarakau River, Westhaven, as a Site for a Wharf.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1934.

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 Paturau Valley Estate Proprietary, Limited (hereinafter called "the company," 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 Mangarakau River, Westhaven, as a site for a wharf to be erected in accordance with plan marked M.D. 7256, deposited in the office of the Marine Department at Wellington, and 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 it is expedient that a license should be granted to the company 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 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 immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the wharf aforesaid 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 terms—

"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 adjacent thereto

necessary for the maintenance of the said wharf at the site shown on the plan marked M.D. 7256.

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 1st day of June, 1934, until the 31st day of 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, and upon payment of the proper dues, have free and full liberty to use the said wharf and all rights of ingress and egress thereto and therefrom.

5. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties shall at all times have free ingress, passage, and egress into, through, over, 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 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 registered office 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 reasonable 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 each vessel 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 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 in force for fourteen years from the 1st day of June, 1934, 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, and the company may be required to remove the wharf 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 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 for a period of thirty consecutive days ;
- (3) Fail to pay the sums specified in clause 3 of these conditions ;
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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 an 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 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 from the company the costs incurred by the said removal and restoration.

15. The erection 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.