

- (b) Tail-race leading from the said water-wheel to the said stream.
- (c) A power-house with all necessary equipment, including water turbines, generators, transformers, lightning-arresters, switchboards, switches, exciters, and other appliances for generating electricity.

5. DURATION OF LICENSE.

This license shall, unless sooner determined, continue in force until the 31st day of March, 1957.

6. SYSTEM OF SUPPLY.

The system of supply shall be as described in paragraph (d) of clause 21-01 of the Electrical Supply Regulations, 1935. The generating and transmission voltages shall be approximately 110 volts direct current.

7. RENTAL.

For the purpose of assessing the annual rental payable in respect of this license, the licensee may install a suitable maximum-demand indicator to the satisfaction of the Inspecting Engineer of the Public Works Department, and, failing such installation, the rental shall be assessed on the maximum generating capacity of the plant installed. The present plant is rated at 0.5 kilowatts, and falls within the classes described in paragraph (b) of clause (2) of Regulation 6 of the Water-power Regulations, 1934.

C. A. JEFFERY,
Clerk of the Executive Council.

(P.W. 26/2203.)

Licensing Graham Goodenough Hayter and Chilton Hayter to use and occupy a Part of the Foreshore and Land below Low-water Mark at Port Hardy, D'Urville Island, as a Site for a Wharf.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 6th day of May, 1936.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby license and permit Graham Goodenough Hayter and Chilton Hayter, both of D'Urville Island (hereinafter called "the licensees," which term shall include their executors, administrators, successors, and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore and land below low-water mark at Port Hardy, D'Urville Island, shown on plan marked M.D. 5414 (sheets 1 and 2), approved on the twentieth day of March, one thousand nine hundred and twenty-two, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf as shown on the said plans for a term of fourteen years computed from the twentieth day of March, one thousand nine hundred and thirty-six, such license to be held and enjoyed by the licensees 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 parts of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said wharf at the site shown on plans marked M.D. 5414 (sheets 1 and 2).

3. In consideration of the concessions and privileges granted by this Order in Council the licensees 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 20th day

of March, 1936, until the 31st day of March following to be paid on the licensees 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 licensees shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at the licensees' 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 address of the licensees in New Zealand a notice in writing of any defect or want of repair in such wharf requiring the licensees within a reasonable time, to be therein prescribed, to repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensees 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 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 in force for fourteen years from the 20th day of March, 1936, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

11. The said rights, powers, and privileges conferred under or 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 licensees 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 licensees in New Zealand.

12. The licensees 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 licensees' part.

13. In case the licensees 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 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 licensees or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees 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 licensees 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 the revocation or expiry, as the case may be; and if the licensees fail so to do, the Minister may cause the said wharf to be removed and the site so restored and may recover from the licensees the costs incurred by the said removal and restoration.

C. A. JEFFERY,
Clerk of the Executive Council.