

The Harbours Act, 1923—Granting a Foreshore License to Herbert Subritzky and Hayward Charles Subritzky, as Trustees of the Estate of John Anton Subritzky (now deceased), as a Site for a Wharf at Awanui, and prescribing Dues for Use of Same.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of October, 1937.

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 Herbert Subritzky and Hayward Charles Subritzky as Trustees of the Estate of John Anton Subritzky (hereinafter called "the licensees," which term shall include their executors, administrators, 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 of the Awanui River, as shown on plan marked M.D. 3407, approved on the 12th October, 1909, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf and shed as shown on the said plan, such license to be held and enjoyed by the licensees upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the licensees for the use of the said wharf and shed.

FIRST 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 and shed at the site shown on the plan marked M.D. 3407.

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 £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 12th day of October, 1937, 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 and upon payment of the proper dues have free and full liberty to use the said wharf and shed 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 and shed without payment.

6. The licensees shall maintain the above-mentioned wharf and shed 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 by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharf or shed and view the state and 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 and shed requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensees shall with all reasonable 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 and shed 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 12th day of October, 1937, 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 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 licensees may be required to remove the wharf and shed at the licensees' own cost, 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 and shed 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 and shed for a period of thirty consecutive days;

(3) Fail to pay the sums specified in clause 3 of these conditions;

(4) Become bankrupt, or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy—

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 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 to do so, remove the said shed and 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 licensees fail so to do, the Minister may cause the said wharf and shed to be removed and the site so restored, and may recover from the licensees the costs incurred by the said removal and restoration.

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

SECOND SCHEDULE.

ALL dead cargo landed on or shipped from the wharf	s.	d.
(per ton weight or measurement) 1 0
Cattle or horses (per head) 1 0
Sheep, pigs, and goats (per head) 0 1

C. A. JEFFERY,

Clerk of the Executive Council.

Altering and Redefining the Boundaries of the Waihopai Rabbit District.—Notice No. Ag. 3515.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of October, 1937.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section thirty-one of the Rabbit Nuisance Act, 1928, it is enacted that the Governor-General, at the request of the Board of any Rabbit District, may, by Order in Council, alter and redefine the boundaries of its district :

And whereas the district known as the Waihopai Rabbit District has been constituted under and for the purposes of the said Act :

And whereas the Board of the said district has, pursuant to the said section thirty-one of the said Act, requested that the boundaries of its district be altered and redefined by including an additional area therein :