

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.

10. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the logslip at the licensee's own cost, 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.

11. The licensee shall be liable for any injury which the said logslip may cause any vessel or boat to sustain through any default or neglect on the licensee's part.

12. In case the licensee shall—

- (1) Commit or suffer a breach of the conditions hereinafter set forth, or any of them;
- (2) Cease to use or occupy the said logslip for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (4) Become bankrupt, or be brought under the operation of any law 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 licensee or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee 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or interested that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

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

14. The erection of the said logslip shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

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

Licensing the Matiatia Oneroa Syndicate to use and occupy a Part of the Foreshore and Land below Low-water Mark, at Matiatia Bay, Waiheke Island, as a Site for a Wharf, and prescribing Dues and Rates for the Use of such Wharf.

GALWAY, Governor-General

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of December, 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 Edwin Horton, Charles Frederick Bennett, Arthur Clifton Axford Sexton, George Charles Codlin, Robert Burns, Bertha Wilson, Alison Margot Read French, and J. B. Macfarlane, Limited, all of Auckland, trading under the style and title of the Matiatia Oneroa Syndicate, who, with their executors, administrators, and assigns of each of them, except in the case of J. B. Macfarlane, Limited, in which case its assigns shall, unless the context requires a different construction, be hereinafter referred to as "the licensees," to use and occupy all those parts of the foreshore and land below low-water mark shown on plan marked M.D. 5724, 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 plan for a term of fourteen years computed from the nineteenth day of November, one thousand nine hundred and thirty-seven, 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.

FIRST 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 that part of the foreshore and land below low-water mark necessary for the maintenance of the wharf as shown on plan M.D. 5724.

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 annual rental in respect of the period from the 19th day of November, 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 all rights of ingress and egress thereto 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, over, 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: 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 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 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 this Order in Council shall continue in force for fourteen years from the 19th day of November, 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 previous 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 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 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 hereinafter 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) Become bankrupt or be brought under the operation of any law for the time being in force relating to bankruptcy—

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