

11. The licensees shall not erect or suffer to be erected on the said wharf any building or structure whatever, except with the consent of the Minister.

12. The licensees shall keep a separate account of the receipts and expenditure on account of such wharf and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account, when balanced, to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

13. The licensees shall appoint all officers necessary for the working and management of the said wharf.

14. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 22nd day of December, 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.

15. 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.

16. 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.

17. 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) 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.

18. 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 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 to be removed and the site so restored, and may recover from the licensees the costs incurred by the said removal and restoration.

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

#### SECOND SCHEDULE.

	s.	d.
Butter, per box .. .. .	0	6
Heavy cargo, per ton .. .. .	4	0
Pigs, per head .. .. .	1	0
Rams, per head .. .. .	1	0
Sheep, per head .. .. .	0	1
Minimum charge in all cases .. .. .	0	6

C. A. JEFFERY,

Clerk of the Executive Council.

*Licensing Rawene Motors, Limited, to use and occupy a Part of the Foreshore at Rawene, Hokianga Harbour, as a Site for a Motor-garage and Firewood Yard.*

GALWAY, Governor-General.

#### ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 11th day of January, 1938.

Present:

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

**P**URSUANT 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 the Rawene Motors, Limited (hereinafter called "the company," which term shall include its successors and

assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore at Rawene, Hokianga Harbour, as shown on plan marked M.D. 5762, approved on 22nd December, 1923, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the motor-garage and firewood yard (hereinafter referred to as "the said structures") as shown on the said plan, 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 adjacent thereto necessary for the maintenance of the said structures at the site shown in the plan marked M.D. 5762.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £1, and thereafter an annual sum of £4 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 22nd December, 1937, until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

4. 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 structures without payment.

5. The company shall maintain the above-mentioned structures 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.

6. Any person authorized by the Minister may at all reasonable times enter upon the said structures 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 structures 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.

7. 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.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 22nd day of December, 1937, 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.

9. 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 structures 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.

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

11. 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 structures 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 license, right, power, or privilege thereby conferred