

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall pay to the Minister an annual rental of 1s. payable on demand.

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 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 licensees shall maintain the said 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 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 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 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 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 28th day of October, 1939, 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 said 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 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) 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 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 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.

15. 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.

### DUES AND RATES.

#### Wharfage.

	£.	s.	d.
On each small boat or launch anchored or moored near the wharf or fastened thereto by a line or chain, per annum, in advance	0	10	0
On each regular trading-vessel occupying a berth alongside the said wharf, per quarter	1	10	0
On each excursion boat or casual trader lying alongside the wharf, per day, or part of a day	0	3	0
For use of truck, per trip	0	0	3
For each passenger landing on the wharf, or leaving the wharf, not more than	0	0	3

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

*Authorizing the Laying-off of a Street (Wardlaw Street) off Musselburgh Rise, in the City of Dunedin, of a Width less than 66 ft. but not less than 40 ft., subject to a Condition as to the Building-line.*

GALWAY, Governor-General.

### ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of April, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers vested in him by the Municipal Corporations Act, 1933, and the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby authorize the Dunedin City Council to permit the laying-off of the proposed street described in the Schedule hereto of a width less than sixty-six feet, but not less than forty feet, subject to the condition that no building or part of a building shall at any time be erected on the land shown edged green on the plan referred to in the said Schedule and fronting the said street within a distance of thirty-five feet from the centre-line of the said street.

### SCHEDULE.

THAT proposed street, in the City of Dunedin, containing by admeasurement 34.3 perches, more or less, being parts Section 72, Block VII, Town District. As the same is more particularly delineated on the plan marked P.W.D. 105263, deposited in the office of the Minister of Public Works at Wellington, and thereon edged red.

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

(P.W. 51/2484.)

*The South-eastern Side of Portion of Hadfield Street, in the Borough of Patea, exempted from the Provisions of Section 128 of the Public Works Act, 1928, subject to a Condition as to the Building-line.*

GALWAY, Governor-General.

### ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of April, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Patea Borough Council on the fourteenth day of November, one thousand nine hundred and thirty-nine, viz.:—

"The Patea Borough Council, being the local authority having control of the street hereinafter named, hereby resolves and declares that the provisions of subsection one of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to that portion of the southern side of Hadfield Street to which part of Section 37, Patea Suburban District, has frontage";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the south-eastern side of the portion of Hadfield Street (described in the Schedule hereto) within a distance of thirty-three feet from the centre-line of the said portion of street.