

*Revoking Order in Council licensing William Norris Masefield to use and occupy a Part of the Foreshore and Land below Low-water Mark at Manaroa, Clova Bay, Pelorus Sound, as a Site for a Wharf.*

**JELLICOE, Governor-General.**  
**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 22nd day of December, 1923.

**Present :**

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

**WHEREAS** by Order in Council dated the fourth day of October, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette* No. 115, of the seventh day of the same month, William Norris Masefield, was licensed to use and occupy a portion of the foreshore and land below low-water mark at Manaroa, Clova Bay, Pelorus Sound, as a site for a wharf, as shown on plan marked M.D. 2351, and deposited in the office of the Marine Department at Wellington :

And whereas the licensee has made application to have the said license revoked, and it is desirable to revoke the same :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the Harbours Act, 1908, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the hereinbefore-recited Order in Council dated the fourth day of October, one thousand nine hundred and fifteen, and the rights and privileges thereby conferred.

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

*Licensing McCallum Brothers to occupy Land below Low-water Mark in Lighthouse Bay, Ponui Island, Hauraki Gulf, for the Purpose of taking Shingle and Sand.*

**JELLICOE, Governor-General.**  
**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 22nd day of December, 1923.

**Present :**

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

**WHEREAS**, there being no Harbour Board empowered to grant the license hereinafter mentioned, William Fraser McCallum, Alexander Fraser McCallum, Archibald McCallum, and Daniel Fraser McCallum, of Auckland, trading under the style or title of "McCallum Brothers" (hereinafter called "the licensees"), have applied to the Governor-General in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to use and occupy a part of the land below low-water mark in Lighthouse Bay, Ponui Island, Hauraki Gulf, for the purpose of dredging and taking away shingle and sand deposited thereon ; and, in accordance with the provisions of the said Act, have deposited a plan in the office of the Marine Department at Wellington (marked M.D. 5778) showing the area of land below low-water mark intended to be occupied for such purpose :

And whereas it has been made to appear to the Governor-General in Council that the proposed taking of shingle and sand will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor-General in Council :

And whereas it is desirable to grant the license applied for :  
Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the licensees as aforesaid ; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the licensees to use and occupy that part of the land below low-water mark which is particularly shown and delineated within a red line on the plan so deposited as aforesaid, for the purpose of dredging and taking away the shingle and sand deposited thereon, 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 term "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 land below low-water mark necessary for the purposes hereinbefore mentioned, as shown within a red line in the plan marked M.D. 5778, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £52, to be applied as hereinafter provided, payable on the 1st day of April in each year ; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1924, the amount to be deposited shall be an amount proportionate to the said period at the rate of £52 per annum, to be deposited on the licensees being supplied with a copy of this Order in Council.

4. The royalty payable by the licensees in consideration of the concessions and privileges hereby granted shall be at the rate of 6d. per cubic yard on all shingle and sand taken. If in any year the licensees fail to remove any shingle or sand, the deposit hereinbefore referred to shall be appropriated by the Minister as flat rent in respect of that year ; but if during any year the licensees remove any shingle or sand the said deposit shall, in proportion to the amount of shingle or sand so removed, be applied as royalty at the rate hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be £52. All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct ; provided that after the 16th day of July, 1926, the Governor-General in Council may prescribe the royalty thereafter to be at such rate as he thinks fit.

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 aforesaid land without payment.

6. 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, 1908, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

7. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years, computed from the date hereof, unless in the meantime such rights, powers, and privileges are 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.

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General, without payment of any compensation whatsoever, on giving to the licensees three calendar months' previous notice in writing. 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.

9. In case the licensees shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them, or any breach of the Fisheries Act, 1908, or its amendments ;
- (2.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy ; or
- (3.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in any such case this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked or determined by the Governor-General in Council without any notice to the licensees or other proceedings whatsoever ; and publication in the *New Zealand 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.

10. Payment by the licensees of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by the licensees of the terms and conditions of this Order in Council.

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