

purpose of maintaining the said structure thereon, such license to be held and enjoyed by the licensee 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 that part of the foreshore occupied by the said boat-shed as shown on the plan marked M.D. 5799 (sheet 2).

3. In consideration of the concessions and privileges granted by this Order in Council the licensee shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 in advance, payable on the 1st day of April each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st of March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. 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 said boat-shed without payment.

5. The licensee shall maintain the above-mentioned boat-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 of by the Minister.

6. Any person authorized by the Minister may at all reasonable times enter upon the said boat-shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensee in New Zealand a notice in writing of any defect or want of repair in such boat-shed, requiring the licensee, within a reasonable time to be therein prescribed, to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the licensee to do or cause to be done anything repugnant to or inconsistent with any law relating to the 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 to be in force for fourteen years from the date hereof, unless in the 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 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 licensee may be required to remove the boat-shed, at the licensee's 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.

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

11. In case the licensee 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 boat-shed for a period of thirty days;
- (3.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy; or
- (4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in any of the said cases this Order in Council, and every license, right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensee or other proceeding whatsoever; and publication in the *New Zealand 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, and upon such revocation the Minister may cause the said boat-shed to be removed, and may recover the cost incurred by any such removal from the licensee.

12. The erection of the said boat-shed shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

F. D. THOMSON,
Clerk of the Executive Council.

Licensing Oliver Parker, of Ohinewai, to occupy a Part of the Land below High-water Mark in the Waikato River, for the Purpose of taking Shingle and Sand.

JELICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of March, 1924.

Present:

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Oliver Parker, of Ohinewai (hereinafter called "the licensee"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the land below high-water mark in the Waikato River, for the purpose of taking away the shingle and sand deposited thereon; and, in accordance with the provisions of the said Act, has deposited a plan in the office of the Marine Department, at Wellington (marked M.D. 5813), showing the area of land below high-water mark intended to be occupied for such purpose:

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 licensee 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 licensee to use and occupy that part of the land below high-water mark which is particularly shown and delineated within a red line on the plan so deposited as aforesaid, for the purpose of taking away the shingle and sand deposited thereon, such license to be held and enjoyed by the licensee 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 high-water mark necessary for the purposes hereinbefore mentioned, as shown within a red line in the plan marked M.D. 5813, 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 licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £10, 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, 1925, the amount to be deposited shall be an amount proportionate to the said period at the rate of £10 per annum, to be deposited on the licensee being supplied with a copy of this Order in Council.

4. The royalty payable by the licensee in consideration of the concessions and privileges hereby granted shall be at the rate of 6d. per cubic yard on all shingle and 3d. per cubic yard on all sand taken. If in any year the licensee fails 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 licensee removes 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 be £10. 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 a rate as he thinks reasonable.

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 licensee to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations of the Minister of Customs, or with any provisions of the Har-