

Act, and it appears expedient to grant the said application :
Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby declare the Borough of Eltham to be a fire district under the said Act.

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

Licensing William Rodgers Bickers, Sidney Berridge, and Thomas Edward Walton as Trustees to use and occupy a Part of the Foreshore at Tokatoka, Wairoa River, Kaipara Harbour, as a Site for a Shed.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of May, 1924.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called "the said Act"), William Rodgers Bickers, Sidney Berridge, and Thomas Edward Walton, of Tokatoka, as trustees for the inhabitants of the district (hereinafter called "the licensees"), have applied to the Governor-General in Council for a license under the said Act to use and occupy a part of the foreshore and land below low-water mark at Tokatoka, on the Wairoa River, Kaipara Harbour, in order to erect and maintain a shed thereon; and, in accordance with the one-hundred-and-seventy-first section of the said Act, have deposited a plan in the office of the Marine Department at Wellington (marked M.D. 5806), showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said shed.

And whereas it has been made to appear to the Governor-General in Council that the proposed work 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 expedient that a license should be granted and issued to the licensees under the said Act, for the purposes aforesaid, on the terms and conditions hereinafter expressed :

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 foreshore and land below low-water mark on which the said shed is to be erected, as shown on the plan M.D. 5806 so deposited as aforesaid, for the purpose of erecting and maintaining the said shed; 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 that part of the foreshore necessary for the erection of the said shed as shown on plan M.D. 5806.

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

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 shed without payment.

5. The licensees shall maintain the above-mentioned shed 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.

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

7. 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.

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 licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, 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.

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

11. 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 shed for a period of thirty days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any Act 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 every right, power, or privilege granted to the licensees by this Order in Council may be revoked and determined by the Governor-General in Council without any notice to the licensees 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 licensees, and to all persons concerned or interested, that the license, rights, and privileges thereby granted and conferred have been revoked and determined; and upon such revocation the Minister may cause the said shed to be removed and may recover the cost incurred by any such removal from the licensees.

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

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

Licensing McCallum Brothers to occupy Land below Low-water Mark in the Hauraki Gulf for the Purpose of taking Shingle and Sand.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of May, 1924.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., 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, 1923 (hereinafter called "the said Act"), to use and occupy a part of the land below low-water mark in the Hauraki Gulf for the purpose of dredging and taking away the 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. 3882) showing the area of foreshore and land below low-water mark intended to be occupied for such purpose :