

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 red lines on the plan so deposited as aforesaid, but excluding therefrom the area shown within a black line on the said plan, 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 red lines in the plan marked M.D. 3882, 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, on being supplied with a copy thereof, 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, 1925, 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.

The royalty payable by the licensees in consideration of the concessions and privileges hereby granted shall be at the rate of 3d. 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 of 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 reasonable.

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 aforesaid land without payment.

5. 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.

6. 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.

7. 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.

8. 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 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 this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

9. 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.

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

Open Season for the Taking or Killing of Opossums in the Rotorua Acclimatization District.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 2nd day of June, 1924.

Present:

THE HONOURABLE SIR FRANCIS BELL PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred upon him by the Animals Protection and Game Act, 1921-22, and of all other powers and authorities 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, both hereby order and declare that opossums may be taken or killed within the Rotorua Acclimatization District described in the First Schedule hereto (except in the area described in the Second Schedule hereto or in any sanctuary or public domain) from the fourteenth day of June, one thousand nine hundred and twenty-four, to the fourteenth day of July, one thousand nine hundred and twenty-four, both days inclusive, subject to the general regulations made by Order in Council dated the thirteenth day of May, one thousand nine hundred and twenty-four.

And I further notify that licenses to take or kill opossums within the said district shall be issued to any person on payment of the sum of two pounds ten shillings each; and the General Manager of the Tourist and Health Resorts Department, Wellington, or any person authorized by the said General Manager in that behalf, is hereby appointed to sign and issue such licenses to take or kill opossums.

And I do further notify that if the number of applicants for such licenses for any particular area exceed the number of blocks available, then the persons to whom such licenses are to be issued shall be decided by ballot.

FIRST SCHEDULE.

ROTORUA ACCLIMATIZATION DISTRICT.

COMPRISING all that area in the Auckland, Hawke's Bay, and Wellington Land Districts bounded by a line commencing at the Puwhenua Trig. Station (situated in Block VIII, Tapapa Survey District), and proceeding north-west along a right line in the direction of Weraiti Trig. Station (situated in Block VII, Tapapa East Survey District) to a point due west from Otanewainuku Trig. Station in Block XVI, Otanewainuku; thence due east along a right line to that trig. station and again due east along that line produced to a point due south of Trig. Station II in Block IV, Waihi South Survey District; thence along a right line running due north through Trig. II aforesaid to high-water mark, Bay of Plenty; thence along high-water mark, Bay of Plenty, in a south-easterly direction to the western side of Marasetotara Road (Block III, Whakatane Survey District); thence along the western side of that road to its junction