

£5 in advance, payable on the first day of April in each year, the first of such payments to be made on the company being supplied with a copy of this Order in Council.

4. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharves 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 and in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said wharves without payment.

6. The company shall maintain the above-mentioned wharves in good order and repair; and shall at all times exhibit therefrom, and maintain at the company'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.

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

8. Nothing herein contained shall authorize the company 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 ballast of all vessels loading at the said wharves shall be taken away by the company 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 seven years from the 1st day of April, 1925, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the company 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 company may be required to remove the wharves at the company's own cost, without payment of any compensation whatever, on giving to the company 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 office of the company in New Zealand.

12. The company shall be liable for any injury which the said wharves or either of them may cause any vessel or boat to sustain through any default or neglect on the company's part.

13. In case the company 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 wharves for a period of thirty days;
- (3.) Fail to pay the sums specified in clause 3 of these conditions; or
- (4.) Be in any manner wound up or dissolved,—

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 company or other proceedings whatever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, 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 company shall, if required by the Minister so to do, remove the said wharves 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 company fails so to do, the Minister may cause the said wharves to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

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

Licensing McCallum Brothers, of Auckland, to occupy a Part of the Foreshore and Land below Low-water Mark at Omaha, Hauraki Gulf, for the Purpose of erecting Plant thereon and taking Shingle.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of May, 1925.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 foreshore and land below low-water mark at Omaha, Rodney County, for the purpose of erecting a plant thereon and taking away the shingle 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. 6018), showing the area of foreshore and land below low-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 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 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 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 Seaman 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 foreshore and land below low-water mark necessary for the purposes hereinbefore mentioned, as shown within a red line in the plan marked M.D. 6018, 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 £50 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, 1926, the amount to be deposited shall be an amount proportionate to the said period at the rate of fifty pounds (£50) 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 1s. 6d. per cubic yard on all shingle taken from either the reserve or from below high-water mark. If in any year the licensees fail to remove any shingle 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 the deposit shall, in proportion to the amount of shingle 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 fifty pounds (£50). All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government Service acting in the execution of