

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue 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 such 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 motor-garage at the licensee's own 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 motor-garage 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 motor-garage for a period of thirty days;
- (3) Fail to pay the sums specified in clause 3 of these conditions;
- (4) Become bankrupt, or be brought under the operation of the law for the time being in force relating to bankruptcy,—

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 licensee 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 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or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. 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 licensee shall, if required by the Minister so to do, remove the said motor-garage 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 licensee fail so to do, the Minister may cause the said motor-garage to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

13. The erection of the said motor-garage 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 Edward Fullerton Dorman, of Wellington, to occupy a Part of the Foreshore near Happy Valley, Cook Strait, for the Purpose of taking Shingle and Sand.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of April, 1927.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Edward Fullerton Dorman, Wellington (who, with his executors, administrators, successors, and assigns, is 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 foreshore near Happy Valley, Cook Strait, 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. 5913) showing the area, edged red, of foreshore 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 foreshore which is particularly shown and delineated, edged red, 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—

"Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

"Low-water mark" means low-water mark at ordinary spring tides:

"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 rights, powers, and privileges conferred by this license shall include the sole right to remove shingle and sand from the hereinbefore-described foreshore, and they shall continue in force for a period of fourteen years from the 1st day of April, 1927, unless in the meantime they are modified or revoked by competent authority. The licensee shall not assign, charge, or part with such rights, powers, or privileges without the consent in writing of the Minister of Marine first obtained.

3. In consideration of the concessions and privileges granted by this license, the licensee shall pay to the Minister the sum of twelve pounds ten shillings (£12 10s.) per half-year, to be applied as hereinafter provided, the first payment to be made on the licensee being supplied with a copy of this license, and thereafter on the first days of April and September in each year.

4. The royalty payable by the licensee in consideration of the concessions and privileges hereby granted shall be at the rate of one shilling (1s.) per yard on all shingle and sand, irrespective from where it is taken. If in any period for which this license is granted 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 period; but if during any such period 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 period shall be twelve pounds ten shillings (£12 10s.). All such payments shall be made to the Secretary of the Marine Department at Wellington, or such other person as the Minister may direct.

5. The licensee shall enter the quantities of shingle and sand taken in a book kept for that purpose, and shall produce the said book to the Secretary of Marine when making payment and at such other time as required. In the event of failure to correctly record all shingle and sand removed, the licensee shall be liable to infliction of a penalty of twenty-five pounds (£25) in addition to revocation of the license as hereinafter provided.

6. Shingle and sand shall be taken in such manner as not to cause damage to the road or roadway along the foreshore, and the public shall have the right of road or way along the foreshore.

7. The Minister may at any time require the licensee to discontinue the taking of shingle and/or sand from any part of the foreshore included in this license, and may regulate the taking of it so as to prevent damage to the foreshore, and the licensee shall, without delay, comply with such requisition or regulation.

8. The licensee shall not commit or suffer to be committed any unnecessary waste or damage in or upon the said foreshore and premises or any part thereof in exercise of the powers and privileges hereby granted.

9. In case the licensee shall—

- (1) Commit or suffer a breach of the conditions herein set forth, or any of them;
- (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 clauses 3 and/or 4;
- (4) Remove any sand or shingle in such manner as to cause or be likely to cause damage to the foreshore—

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 licensee or other proceedings whatsoever; and publication in the *New Zealand Gazette* of