

Licensing the Dargaville Fire Board to use and occupy a Part of the Foreshore and Land below Low-water Mark of Wairoa River, Kaipara Harbour, as a Site for a Fire Brigade Station.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of February, 1928.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the twenty-second day of November, one thousand nine hundred and nine, and published in the *New Zealand Gazette* No. 100, of the second day of the following month, the Dargaville Borough Council was licensed to use and occupy a part of the foreshore and land below low-water mark of the Wairoa River, Kaipara Harbour, as a site for a fire brigade station, erected in accordance with the plan marked M.D. 3431, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the twenty-second day of November, one thousand nine hundred and nine: And whereas the said license was, with the consent of the Minister of Marine, transferred to the Dargaville Fire Board, hereinafter called "the Board," in which term is to be construed, unless the context requires a different construction, its successors and assigns:

And whereas the Board has applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen years, and it is advisable to grant the same:

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 others 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 Board 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 Board to use and occupy that part of the foreshore and land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of maintaining and using the fire brigade station thereon, such license to be held and enjoyed by the Board 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 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 adjacent thereto necessary for the maintenance of the said fire brigade station, at the site shown on the plan marked M.D. 3431.

3. In consideration of the concessions and privileges granted by this Order in Council the Board shall pay to the Minister an annual rental of one shilling, 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, over, and out of the said fire brigade station without payment.

5. The Board shall maintain and keep the above-mentioned fire brigade station and all erections on or in connection with the fire brigade station in good order and repair; and shall at all times exhibit therefrom and maintain at the Board's own cost, suitable and necessary lights for the guidance of vessels; provided that no new light shall be exhibited until after it has been approved by the Minister.

6. Any person authorized by the Minister may at all reasonable times enter upon the fire brigade station, and any buildings erected on the fire brigade station or in connection therewith, and view the state of repair thereof; and upon the Minister leaving at or posting to the last known address of the Board in New Zealand a notice in writing of any

defect or want of repair in such fire brigade station, requiring the Board, within a reasonable time to be therein prescribed, to make good or repair the same, the Board shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the Board 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 thereunder, and that are now or may hereafter be in force.

8. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 22nd day of November, 1923, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Board 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 rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the Board 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 Board in New Zealand.

10. The Board shall be liable for any injury which may be caused at the said fire brigade station to any vessel or boat through any default or neglect on the part of the Board.

11. In case the Board 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 fire brigade station for a period of thirty days;

then, and in either 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 Board or any other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Board 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 Board shall, if required by the Minister so to do, remove the said fire brigade station entirely from the site, and restore the site to its original condition within three months from the date of the revocation or expiry, as the case may be; and if the Board fails so to do, the Minister may cause the said fire brigade station to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Board.

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

Licensing Messrs. Archibald Brothers to use and occupy a Part of the Foreshore on the Whau Creek, in Auckland Harbour, including the Reclamations already constructed.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of February, 1928.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the twentieth day of January, one thousand nine hundred and fourteen, and published in the *New Zealand Gazette* No. 9, of the twenty-ninth day of the same month, Messrs. David Archibald, James Alexander Archibald, John Archibald, Alexander Ernest Archibald, and Frank Herbert Archibald, of Auckland, trading under the style or title of "Archibald Brothers" (who with their successors and assigns are hereinafter referred to as "the licensees"), were licensed to use and occupy part of the foreshore, including the reclamations already constructed, on the Whau Creek, Auckland Harbour, for use in connection with the brick and pipe-making industry carried on by them, and in accordance with the plan marked M.D. 4205, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the twentieth day of January, one thousand nine hundred and fourteen:

And whereas the licensees have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said