

7. LOCATION OF OVERHEAD LINES.

Notwithstanding anything hereinbefore contained, one side of every road or street shall be left free by the licensee for telegraph-lines. Lines shall not be erected on both sides of a road or street unless the permission of the Minister of Telegraphs or the Post and Telegraph Department is first obtained in accordance with clause 9 of the regulations. Except at crossing-places the minimum separation between a telephone-line and poles carrying high or extra-high tension circuits shall be equal to the height of the taller pole.

8. CONVERSION OF LINES FROM EARTH-WORKING TO METALLIC.

Notwithstanding anything herein contained, the licensee shall bear the cost of converting the Railway or Post and Telegraph Department's lines which are now erected from earth-working to metallic if such conversion is required by the Minister of Railways or the Minister of Telegraphs owing to electrical interference arising from the licensee's lines.

9. RAILWAY AND TELEGRAPH LINES.

The licensee shall from time to time rectify to the satisfaction of the Minister of Railways or the Minister of Telegraphs any interference or disturbance caused by the erection or operation of the licensee's system that affects the satisfactory working of any telegraph-line which is under the control of or in use by the Railway Department or the Telegraph Department respectively, and which was erected prior to the licensee's lines. All electric lines must be erected with sufficient clearance to permit telegraph-lines to pass under the said electric lines.

10. DATUM TEMPERATURE.

For the purposes of this license the datum temperature may be taken as 32° Fahrenheit.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.

(P.W. 26/1163.)

Licensing Frederick Charles Hargrave to use and occupy a Part of the Foreshore at Rawene, in Hokianga Harbour, as a Site for a Store.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 25th day of November, 1930.

Present:

THE HON. SIR APIRANA NGATA, PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the ninth day of October, one thousand nine hundred and sixteen, and published in the *New Zealand Gazette*, No. 116, of the twelfth day of the same month, Sydney Cooper, of Rawene, was licensed for the term of fourteen years, computed from the ninth day of October, one thousand nine hundred and sixteen, to use and occupy a part of the foreshore at Rawene, in Hokianga Harbour, for the purpose of erecting and maintaining thereon a store, shown as site No. 5 on plan marked M.D. 4462, and deposited in the office of the Marine Department at Wellington:

And whereas the said license was, with the consent of the Minister of Marine, transferred to Frederick Charles Hargrave, of Rawene (who, with his executors, administrators, and assigns is hereinafter referred to as the licensee):

And whereas the licensee has applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further 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 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 marked as site No. 5 on plan M.D. 4462, so deposited as aforesaid, for the purpose aforesaid, 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 concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the foreshore necessary for the maintenance of the said store, and shown as site No. 5 on the plan marked M.D. 4462, 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 licensee shall pay to the Minister the sum of £1, and thereafter an annual sum of £5 in advance, payable on the 1st day of April in each year, the proportionate part of such rental in respect of the period from the 9th day of October, 1930, until the 31st March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. The licensee shall maintain the above-mentioned store in good order and repair.

5. 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, over, and out of the said store.

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

7. Nothing herein contained shall authorize the licensee 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 9th day of October, 1930, 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, 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 store, or any other work placed or constructed thereon, may cause any vessel or boat to sustain through any default or neglect on the part of the licensee.

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 store for a period of thirty days;
- (3) Become bankrupt or be brought under the operation of any law 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, 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 licensee or any other proceeding whatever; 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, removed entirely from the site any structure thereon, 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 fails so to do, the Minister may cause the said structure to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.