

*Licensing Charles Spurgeon Rush and Charles Louis Bagnall to use and occupy a Part of the Foreshore at Dargaville, Wairoa River, Kaipara Harbour, as a Site for an Engine and Storage Sheds.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of June, 1931.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Charles Spurgeon Rush and Charles Louis Bagnall (hereinafter called "the licensees," in which term is to be construed, unless the context requires a different construction, their executors, administrators, and assigns) have applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy part of the foreshore at Dargaville, in the Wairoa River, Kaipara Harbour, in order to erect and maintain thereon an engine and storage sheds (hereinafter referred to as "the said structures") to be erected in accordance with plan marked M.D. 6942, deposited in the office of the Marine Department at Wellington:

And whereas it has been made to appear to the Governor-General in Council that the work 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 that a license should be granted and issued to the licensees under the said Act for the purposes aforesaid, on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon 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 purposes or objects 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 which is particularly shown and delineated on plan M.D. 6942 so deposited as aforesaid, for the purpose of erecting and maintaining thereon the said structures to be erected in accordance with the said plan, 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 terms—

"Foreshore" means such part 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 occupied by the said structures as shown on plan marked M.D. 6942, so deposited as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 in advance, payable on the 1st day of April each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st March following to be paid on the licensees being supplied with a copy of this Order in Council.

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 said structures without payment.

5. The licensees shall maintain the said structures in good order and repair, and shall at all times exhibit from the structures and maintain at the licensees' own cost suitable and necessary lights for the guidance of vessels: Provided that no 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 said structures and view the state of repair thereof; and upon such Minister leaving

at or posting to the last known address of the licensees in New Zealand a notice in writing of any defect or want of repair in the said structures, or requiring the licensees, within a reasonable time to be therein prescribed, to repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. 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 with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are now or may thereafter 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 date hereof, unless in the meantime such rights, powers, and privileges shall be 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 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 licensees may be required to remove the said structures at the licensees' cost, without payment of any compensation whatever, on giving to the licensees 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 licensees in New Zealand.

10. The licensees shall be liable for any injury which the said structures may cause any vessel or boat to sustain through any default or neglect on the licensees' part.

11. In case the licensees 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 structures for a period of thirty days;
- (3) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy; or
- (4) Fail to pay the sum 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 licensees or other proceeding whatsoever; and publication in the *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.

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 licensees shall, if required by the Minister so to do, remove the said structures 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 licensees fail so to do, the Minister may cause the said structures to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensees.

13. The erection and maintenance of the said structures 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.

*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.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of June, 1931.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the fifth day of February, one thousand nine hundred and seventeen, and published in the *Gazette* of the twenty-second day of the same month, at page 715, the Dargaville Borough Council was licensed to use and occupy part of the foreshore and land below low-water mark of the Wairoa River, Kaipara Harbour, in order to erect and maintain a fire-brigade station thereon in accordance with the plan marked M.D. 4736, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years computed from the fifth day of February, one thousand nine hundred and seventeen: