

to the Public Reserves and Domains Act, 1908 (hereinafter referred to as "the said Act"): And whereas by section four of the said Act the Governor is authorized, *inter alia*, to exchange any such reserve for other land of equal value, to be dedicated to the same or one or more of the purposes comprised in the said Class I, and to define the purpose to which such reserve or such land acquired in exchange shall be dedicated: And whereas, in the opinion of the Governor, it is expedient to exchange the said gravel-pit reserve for other land of equal value, described in the Second Schedule hereto, to be dedicated as hereinafter provided:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance and exercise of the powers and authorities conferred upon him by section four of the said Act, doth hereby declare that the gravel-pit reserve described in the First Schedule hereto is hereby exchanged for the Crown land described in the Second Schedule hereto, which, in the opinion of the Governor, is of equal value; and doth also declare that the land described in the said First Schedule becomes and is Crown land freed from all previous reservation and subject to the provisions of the Land Act, 1908; and that the land described in the said Second Schedule is hereby reserved for a gravel-pit, being one of the purposes comprised in the said Class I.

#### FIRST SCHEDULE.

##### DESCRIPTION OF RESERVE EXCHANGED.

ALL that area in the Southland Land District, containing by admeasurement 10 acres, more or less, being Section 4A, Block V, Mabel Hundred. Bounded towards the north-east by a public road, 236 and 892.2 links; towards the south-east by Section 4 of aforesaid block, 1274.3 links; towards the south-west by Section 4 aforesaid, 1000 links; and towards the north-west by Section 3 of aforesaid block, 756.2 links. As the same is delineated on the plan marked L. and S. 6/5/40, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

#### SECOND SCHEDULE.

##### DESCRIPTION OF LAND OBTAINED IN EXCHANGE THEREFOR.

ALL that area in the Southland Land District, containing by admeasurement 6 acres 1 rood 16 perches, more or less, being Section 49, Block V, Mabel Hundred. Bounded towards the south-west by a public road, 191 and 916 links; towards the east by a public road, 1239 links; and towards the north-west by Section 3 of said Block V, 1272.2 links. As the same is delineated on the plan marked L. and S. 6/5/40, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

F. W. FURBY,  
Acting Clerk of the Executive Council.

*Licensing the Pukeatua Road Board to use and occupy a Part of the Foreshore near Viponds, Silverdale, Wade River, as a Site for a Wharf and Shed.*

LIVERPOOL, Governor.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-sixth day of March, 1917.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Pukeatua Road Board (hereinafter called "the Board") has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark near Viponds, Silverdale, Wade River, in order to erect and maintain a wharf and shed thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department at Wellington marked M.D. 4705 (in duplicate) and M.D. 4151, showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said wharf and shed: And whereas it has been made to appear to the Governor in Council that the proposed works will not be or tend to the injury of navigation, and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council: And whereas it is expedient that a license should be granted and issued to the Board under the said Act, for

the purpose last aforesaid, on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor 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 by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the 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 on which the said wharf and shed are to be erected, as shown on plans marked M.D. 4705 and 4151 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf and shed; 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 "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 the part of the foreshore, and land below low-water mark adjacent thereto, necessary for the erection of the said wharf and shed, as shown on the plans marked M.D. 4705 and 4151.

3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharf and shed, and all rights of ingress and egress thereon and therefrom.

4. His Majesty or the Governor, 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 wharf and shed without payment.

5. The Board shall maintain the above-mentioned wharf and shed in good order and repair; and shall at all times exhibit from the wharf and shed, and maintain at its 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.

6. Any person authorized by the Minister may at all reasonable times enter upon the said wharf and shed and view the state of repair thereof; and upon such 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 wharf and shed, requiring it, within a reasonable time, to be therein prescribed, to repair the same, it 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, 1908, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

8. The ballast of all vessels loading at the said wharf shall be taken away by the Board 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.

9. 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 thereof, 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.

10. The said rights, powers, and privileges may be at any time resumed by the Governor, 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.

11. The Board shall be liable for any injury which the said wharf and shed may cause any vessel or boat to sustain through any default or neglect on its part.

12. In case the Board shall—

(1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or

(2.) Cease to use or occupy the said wharf and shed for a period of thirty days,—

then and in either of the said cases this Order in Council, and every right, power, or privilege thereby conferred, may