

## SCHEDULE.

## PRINCE EDWARD PARK DOMAIN.

ALL that area in the North Auckland Land District, containing 7 acres 0 roods 4 perches, more or less, being Lots 15 to 32 (both inclusive) and parts of Lots 33, 39 to 45 (both inclusive), and 77 of Section 3 of the Village of Papakura, and being all the land comprised in certificate of title, Vol. 346, folio 290, Auckland Registry.

J. W. BLACK,  
Acting Clerk of the Executive Council.

*Domain Board appointed to have Control of the Niho Domain.*

## JELLICOE, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of March, 1923.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by section forty of the Public Reserves and Domains Act, 1908, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby appoint

NEAL JOSEPH BENEDICT DOUGHERTY,  
CLAUDE ALFRED MANNING,  
TIREAN THOMAS SHELVERTON,  
JOHN LAWRENCE RYAN, and  
PERCIVAL JOHN GOIDFINCH

to be the Niho Domain Board, having control of the land described in the Schedule hereto; and doth hereby appoint Wednesday, the eighteenth day of April, one thousand nine hundred and twenty three, at eight o'clock p.m., as the time when, and the Nihoniho Public Hall, as the place where, the first meeting of the Board shall be held.

## SCHEDULE.

## NIHO DOMAIN.—TARANAKI LAND DISTRICT.

SECTION 31, Block II, Ohura Survey District: Area, 19 acres 3 roods 37 perches.

J. W. BLACK,  
Acting Clerk of the Executive Council.

*Licensing Messrs. Lichtenstein, Arnoldson, and Co. to occupy a Part of the Foreshore at Onetangi Bay, Waiheke Island, as a Site for a Wharf.*

## JELLICOE, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of March, 1923.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Max Lichtenstein, Louis Arnoldson, Max Paykel, and Albert Paykel, trading under the style or title of "Lichtenstein, Arnoldson, and Co." (hereinafter called "the licensees"), have applied to the Governor-General in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark at Onetangi Bay, Waiheke Island, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fiftieth section of the said Act, have deposited plans in the office of the Marine Department at Wellington (marked M.D. 5641), showing the place where it is intended to erect such wharf, the area of foreshore and land below low-water mark to be occupied for such purpose, and the manner in which it is proposed to erect the wharf: And whereas it has been made to appear to the Governor-General in Council that the proposed work 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-General in Council, without modification or addition: And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the licensees, on the terms and conditions set forth in the Schedule hereto:

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 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 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 and land below low-water mark which are particularly shown and delineated on the plans marked M.D. 5641 so deposited as aforesaid, for the purpose of constructing or erecting thereon a wharf, 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 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 necessary for the erection of such wharf, which are shown on the plans marked M.D. 5641, 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 licensees shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2, in advance, payable on the first day of April in each year, the first of such annual payments to be made 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, over, and out of the said wharf without payment.

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

6. The licensees shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at their 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.

7. Any person authorized by the Minister may, at all reasonable times, enter upon the said wharf and view the state of repair thereof; and upon the Minister leaving at or posting to the last known address of the licensees, or any of them, a notice in writing of any defect or want of repair in such wharf, requiring them, within a reasonable time, to be therein prescribed, to make good the same, they shall with all convenient speed cause such defect to be removed or such repairs to be made, as the case may be.

8. 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 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.

9. 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 licensees shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

10. 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 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.

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

12. 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 wharf for a period of thirty days;
- (3.) Fail to pay the sum specified in clause 3 of these conditions; or
- (4.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy,—

then and in either 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-