

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 occupied by the said wharf and slip as shown on the plans marked M.D. 1926, 1927, and 1934A.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 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 company 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 wharf and slip 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 slip and all rights of ingress and egress thereon and therefrom.

6. The company shall maintain the above-mentioned wharf and slip in good order and repair, and shall at all times exhibit therefrom, and maintain at the company's 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.

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

8. Nothing herein contained shall authorize the company 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 hereafter be in force.

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

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

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the wharf and slip at the company's cost, without payment of any compensation whatever, on giving to the company 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 registered office of the company in New Zealand.

12. The company shall be liable for any injury which the said wharf or slip may cause any vessel or boat to sustain through any default or neglect on the company's part.

13. In case the company's shall—

- (1.) Commit or suffer a breach of the conditions herein-before set forth, or any of them ;
- (2.) Cease to use or occupy the said wharf and slip for a period of thirty days ;
- (3.) Be in any manner wound up or dissolved ; 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 company or other proceeding whatsoever ; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, 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.

14. 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 company shall, if required by the Minister so to do, remove the said wharf and slip 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 company fails so to do, the Minister may cause the said wharf and slip to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

15. The occupation of the said wharf and slip shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

C. A. JEFFERY,
Acting Clerk of the Executive Council.

Part III of Rabbit Nuisance Act, 1908, declared not to be in Operation in Mairoa Rabbit District.—Notice No. Ag. 2600.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of October, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council made on the fourteenth day of April, one thousand nine hundred and twenty-five, and published in the *Gazette* on the twenty-third day of April, one thousand nine hundred and twenty-five, at page 1097, the lands described in the Schedule thereto were constituted and declared a rabbit district for the purposes of Part III of the Rabbit Nuisance Act, 1908, by the specific name of the Mairoa Rabbit District :

And whereas a report has been presented to His Excellency the Governor-General in pursuance of section sixty-seven of the said Act :

Now, therefore, in pursuance and exercise of the powers and authority conferred upon him by sections sixty-seven and eighty-five of the said Act, 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 declare that Part III of the said Act shall cease to be in operation in the said district as from the date of the publication of this Order in Council in the *Gazette*.

C. A. JEFFERY,
Acting Clerk of the Executive Council.

Portion of Marfell's Beach Road, in County of Awatere, exempted from the Provisions of Section 117 of the Public Works Act, 1908, subject to a Condition as to the Building-line.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of October, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1908, and of all other powers in any-wise enabling him in this behalf, 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 approve of the following resolution passed by the Awatere County Council on the third day of December, one thousand nine hundred and twenty-five, in so far as it affects the portion of road described in the Schedule hereto, viz. :—

“The Awatere County Council, having control of that street known as Marfell's Beach Road, and being parts of Sections 20 and 54, Flaxbourne District, and more particularly shown on a plan deposited in the Lands Registry Office at Blenheim as No. 1018, by resolution declares that the provisions of section one hundred and seventeen of the Public Works Act, 1908, shall not apply to the said street” ; subject to the condition that no building or part of a building shall at any time be erected on the land fronting either side of the portion of road (described in the Schedule hereto), within a distance of thirty-three feet from the centre-line of the said portion of street.