

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 and land below low-water mark necessary for the construction of the jetty, as shown on plan M.D. 6386.
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 £5 in advance, payable on the 1st day of April in each year, the proportionate part of such annual rental in respect of the period from the date hereof until the 31st day of 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, over, and out of the said jetty, 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 jetty, and all rights of ingress and egress thereon and therefrom.
6. The licensees shall maintain the above-mentioned jetty in good order and repair, and shall at all times exhibit therefrom 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 of by the Minister.
7. Any person authorized by the Minister may at all reasonable times enter upon the said jetty, 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 such jetty, 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.
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 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.
9. The ballast of all vessels trading at the said jetty shall be taken away by the licensees 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 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 previous 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 licensees may be required to remove the jetty at the licensees' own 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.
12. The licensees shall be liable for any injury which may be sustained by any vessel or boat in passing the jetty, or by contact therewith, and which may be occasioned by any default or neglect on the licensees' part.
13. 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 jetty for a period of thirty days;
 - (3) Fail to pay the sums 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 any of the said cases, this Order in Council and every right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensees or other proceedings whatsoever; and publication in the *New Zealand 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 rights and privileges thereby 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 licensees shall, if required by the Minister so to do, remove the said jetty 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 jetty to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensees.

15. The construction of the jetty shall be deemed to be an acceptance by the licensees of the conditions of this Order in Council.

F. D. THOMSON,
Clerk of the Executive Council.

Recreation Reserve in Auckland Land District brought under Part II of the Public Reserves and Domains Act, 1908.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th day of August, 1927.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

BY virtue of the powers and authorities vested in me by the twenty-sixth section of the Public Reserves and Domains Act, 1908, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, by and with the advice and consent of the Executive Council of the said Dominion, do hereby order and declare that the reserve for recreation in the Auckland Land District described in the Schedule hereto shall be, and the same is hereby brought under the operation of, and declared to be subject to the provisions of Part II of the said Act; and such reserve shall hereafter form part of the Herries Memorial Park Domain, and be managed, administered, and dealt with as a public domain by the Herries Memorial Park Domain Board.

SCHEDULE.

ALL that area in the Auckland Land District, containing by admeasurement 16 acres, more or less, being part of Section 15, Block IX, Aroha Survey District. Bounded towards the north-east by Lipsey Street, 660 links; towards the north-west by Wild Street, 483.1 links; towards the north-east by Queen Street, 1414.5 links; towards the south-east by part of Section 14b, Block IX, Aroha Survey District, 152.2 links; and towards the south and west generally by a river-bank reserve, 100 links wide, along the Waihou River, to the point of commencement: Be all the aforesaid linkages more or less. As the same is more particularly delineated on the plan marked L. and S. 42289, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (S.O. plan 24164.)

F. D. THOMSON,
Clerk of the Executive Council.

Revoking an Order in Council declaring a Portion of a Public Highway in the No. 5 Highway District, Waipawa Borough, to be a Main Highway.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House, at Wellington, this 29th day of August, 1927.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in him by subsection three of section three of the Main Highways Act, 1922, and of all other powers in anywise 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, from the date of gazetting of this Order in Council, hereby revoke the Order in Council dated the twelfth day of July, one thousand nine hundred and twenty-six, and published in the *New Zealand Gazette* No. 49 of the twenty-first day of July, one thousand nine hundred and twenty-six, declaring a portion of highway in the No. 5 Highway District, Waipawa Borough, to be a main highway.

F. D. THOMSON,
Clerk of the Executive Council.