

*Extending Prohibition of Alienation of certain Native Lands other than Alienations in favour of the Crown.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of July, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

ON the recommendation of the Native Land Purchase Board, referred to in section three hundred and sixty-three of the Native Land Act, 1909, and in exercise of the power in this behalf conferred upon him by that section, and by section one hundred and eleven of the Native Land Amendment Act, 1913 (as amended by section eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1916), His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council thereof, doth hereby extend for a further period of eighteen months the Order in Council dated the twenty-first day of February, one thousand nine hundred and twenty-seven, and gazetted the twenty-fourth day of February, one thousand nine hundred and twenty-seven, prohibiting all alienation of the Native land specified in the Schedule hereto, other than alienation in favour of the Crown.

SCHEDULE.

OPOITI SURVEY DISTRICT.

Block.	Approximate Area		
		A.	R. P.
RIMUROA No. 1 .. .. .	135	3	11
" No. 2 .. .. .	47	3	37
" No. 3 .. .. .	85	2	28
" No. 4 .. .. .	36	0	27
" No. 5 .. .. .	43	0	10
" No. 6 .. .. .	66	1	29

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

*Licensing Messrs. A. S. Andrewes and Sons to use and occupy a Part of the Foreshore of Whangape Harbour as a Site for a Wharf.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of July, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Messrs. Alfred Andrewes, George Andrewes, Frank Andrewes, and Arthur Edmund Andrewes, trading under the style or title of "A. S. Andrewes and Sons," of Whangape (who, with their executors, administrators, and assigns are hereinafter referred to as "the licensees"), have applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy a part of the foreshore of Whangape Harbour in order to maintain thereon a wharf, known as "the store wharf," erected in accordance with plan marked M.D. 2910, and 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 purpose 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 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 which is particularly shown and delineated on the plan M.D. 2910 so deposited as aforesaid, for the purpose of maintaining thereon a wharf 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 and 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 wharf as shown on the plan marked M.D. 2910.

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 first such payment 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, and out of the said wharf without payment.

5. All persons shall, at all reasonable times, and upon payment of the prescribed 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 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.

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 such Minister leaving at or posting to the last known address at the licensees in New Zealand a notice in writing of any defect or want of repair in such wharf, 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 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 licensees, and deposited above high-water mark, or at such place as may be approved 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 licensees 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 licensees may be required to move the wharf 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.

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

13. In the case the licensees shall—

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

(2) Cease to use or occupy the said wharf 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