

Domain Board appointed to have Control of the Pohangina Domain.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of September, 1928.

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

William Howell,
Norman Harold Moar,
George Henry Passey,
Thomas Sinclair, and
Charles Fredrick Wagstaff

to be the Pohangina Domain Board, having control of the land described in the Schedule hereto; and doth hereby appoint Saturday, the twenty-seventh day of October, one thousand nine hundred and twenty-eight, at half-past two o'clock p.m., as the time when, and the Domain, Pohangina, as the place where, the first meeting of the Board shall be held.

SCHEDULE.

POHANGINA DOMAIN.—WELLINGTON LAND DISTRICT.

TOWN Section 34 and Suburban Sections 32A and 32B, Town of Pohangina: Area, 23 acres 0 roods 18 perches, more or less.

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

Licensing Ernest Deeble, of Coromandel, to occupy a Part of the Foreshore and the Land below Low-water mark at Waiaro, Coromandel Peninsula, for the Purpose of erecting a Hopper thereon and taking Shingle.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of September, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Ernest Deeble, of Coromandel (hereinafter called "the licensee"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the foreshore and the land below low-water mark at Waiaro, Coromandel Peninsula, for the purpose of erecting a hopper thereon and taking away the shingle deposited thereon; and, in accordance with the provisions of the said Act, has deposited a plan in the office of the Marine Department at Wellington (marked M.D. 5971) showing the area of foreshore and the land below low-water mark intended to be occupied for such purpose:

And whereas it is desirable to grant the license applied for: 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 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 licensee 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 licensee to use and occupy that part of the foreshore and the land below low-water mark which is particularly shown and delineated within a red line on the plan so deposited as aforesaid, for the purpose of taking away the shingle deposited thereon, such license to be held and enjoyed by the licensee 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 the land below low-water mark necessary for the purposes hereinafter mentioned, as shown within a red line in the plan marked M.D. 5971, 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 licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £52 to be applied as hereinafter provided, payable on the 1st day of April in each year; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1929, the amount to be deposited shall be an amount proportionate to the said period at the rate of £52 per annum to be deposited on the licensee being supplied with a copy of this Order in Council.

4. The royalty payable by the licensee in consideration of the concessions and privileges hereby granted shall be at the rate of 6d. per cubic yard on all shingle taken from either above or below high-water mark. If in any year the licensee fails to remove any shingle the deposit hereinbefore referred to shall be appropriated by the Minister as flat rent in respect of that year; but if during any year the licensee removes any shingle the deposit shall, in proportion to the amount of shingle so removed, be applied as royalty at the rate hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be £52. All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government service acting in execution of duty, shall at all times have free ingress, passage, and egress into, through, and out of the aforesaid land without payment.

6. Nothing herein contained shall authorize the licensee 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.

7. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years, computed from the date hereof, unless in the meantime such rights, powers, and privileges are altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General, without payment of any compensation whatsoever, on giving to the licensee three calendar months' previous notice in writing. Such notice shall be sufficient if given by the Minister and delivered at or posted to the last known address of the licensee in New Zealand.

9. The licensee shall keep a strictly accurate record of all shingle removed, whether from above or below high-water mark, and shall submit the same for inspection immediately at the end of each month to the Superintendent of Mercantile Marine at Auckland, or such other officer as may be appointed by the Minister; and shall at the same time pay to the Superintendent or other officer as aforesaid the amount of royalty due to the Minister.

10. In case the licensee shall—

- (1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
- (2) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy;
- (3) Fail to pay the sums specified in clauses 3 and 4 of these conditions;

then, and in any such case, this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General in Council without any notice to the licensee 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 licensee, 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.

11. Payment by the licensee of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by him of the terms and conditions of this Order in Council.

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