

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 adjacent thereto, necessary for the maintenance of the said wharves at the sites shown on the plans marked M.D. 4279, 2050, 4278.

3. All His Majesty's subjects shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharves, and rights of ingress and egress thereto and therefrom.

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, over, and out of the said wharves without payment.

5. The Council shall maintain and keep the above-mentioned wharves and all erections on or in connection with the said wharves in good order and repair; and shall at all times exhibit therefrom, and maintain at the Council's own cost, suitable and necessary lights for the guidance of vessels: Provided that no new light shall be exhibited until after it has been approved by the Minister:

6. All dues and rates received on account of the said wharves by the Council shall be applied to keeping the said wharves and all erections on or in connection with such wharves in good order and repair.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharves and any buildings erected on the said wharves or in connection therewith, and view the state of repair thereof; and upon the Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such structures or buildings, requiring the Council, within a reasonable time to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed cause such defect to be removed or such repairs to be made.

8. The ballast of all vessels loading at the said wharves shall be taken away by the Council 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.

9. The Council shall not erect, or suffer to be erected, on the said wharves any building or structure whatever, except with the consent of the Minister.

10. The Council shall keep a separate account of the receipts and expenditure on account of such wharves and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

11. The Council shall appoint all officers necessary for the working and management of the said wharves.

12. Nothing herein contained shall authorize the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulation thereunder, and that are now or may hereafter be in force.

13. The rights, powers, and privileges hereby conferred shall continue in force until 12th December, 1941, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

14. The rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General without payment of any compensation whatever on giving to the Council 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 Council in New Zealand.

15. The Council shall be liable for any injury which may be caused at the said wharves to any vessel or boat through any default or neglect on the part of the Council.

16. In case the Council shall—

- (1) Commit or suffer a breach of the conditions hereinbefore set forth, or any if them; or
- (2) Cease to use or occupy the said wharves for a period of thirty consecutive days;

then, and in either 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 Council 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 Council and to all persons concerned or interested, that this Order in Council, and the licenses, rights, and privileges thereby granted and conferred, have been revoked and determined.

17. 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 Council shall, if required by the Minister so to do, remove the said wharves entirely from the sites and restore the sites to their original condition within three months from the date of the revocation or expiry, as the case may be; and if the Council fails so to do, the Minister may cause the said wharves to be removed and the sites so restored, and may recover the costs incurred by the said removal and restoration from the Council.

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

*Notice cancelling the Notice of taking Land at Dunedin under Sections 140, 141, 142, and 143 of the Harbours Act, 1923.*

CHARLES FERGUSSON, Governor-General.

WHEREAS by a notice dated the twenty-second day of October, one thousand nine hundred and twenty-seven (hereinafter referred to as the "said notice"), and published in *New Zealand Gazette* No. 77 of the third day of November, one thousand nine hundred and twenty-seven, and registered in the office of the District Land Registrar as No. 3621, notice was given to the Otago Harbour Board, that one month from the day of the date thereof the Governor-General, on behalf of His Majesty the King, would enter upon and take possession of the land referred to in the Schedule thereto:

And whereas it is now deemed necessary to cancel the said notice in the *New Zealand Gazette*.

Now, therefore, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, do hereby, on behalf of His Majesty the King, declare that the said notice is hereby cancelled.

As witness the hand of His Excellency the Governor-General, this 9th day of October, 1928.

J. G. COATES, Minister of Railways.

(L.O. 12222.)

*Notifying the proposed Exchange of Crown Land in the North Auckland Land District for other Land.*

CHARLES FERGUSSON, Governor-General.

WHEREAS by section one hundred and sixty of the Land Act, 1924, it is enacted that it shall be lawful for the Governor-General, whenever he deems it expedient in the public interest, to grant in fee-simple any area of Crown land which is subject to the provisions of the Land Act, 1924, in exchange for the fee-simple of any other land, and on any such exchange to pay or receive any sum by way of equality of exchange:

And whereas, in the opinion of the Governor-General, it is expedient to exchange the Crown land described in the First Schedule hereto for the land described in the Second Schedule hereto, and the owner of the land described in the Second Schedule has agreed to such exchange:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in exercise of the aforesaid powers and authorities, doth hereby declare it is his intention to grant in fee-simple the area of Crown land described in the First Schedule hereto in exchange for the fee-simple of the land described in the Second Schedule.

#### FIRST SCHEDULE.

##### DESCRIPTION OF LAND AUTHORIZED TO BE EXCHANGED.

ALL that area in the North Auckland Land District containing by admeasurement 1 rood 22 perches, more or less, being Allotment 206, Parish of Waiuku West, Block IV, Maoro Survey District: As the same is more particularly delineated on the plan marked L. and S. 6/6/74c, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red. (North Auckland plan No. 24933.)

#### SECOND SCHEDULE.

##### DESCRIPTION OF LAND TO BE OBTAINED IN EXCHANGE THEREFOR.

ALL that area in the North Auckland Land District containing by admeasurement 1 rood 17 perches, more or less, being portion of Allotment 54, Parish of Waiuku West, Block IV, Maoro Survey District: As the same is more particularly delineated on the plan marked L. and S. 6/6/74d, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue. (North Auckland plan No. 23403.)

As witness the hand of His Excellency the Governor-General, this 12th day of October, 1928.

A. D. McLEOD, Minister of Lands.