

the powers and authorities conferred by subsection one (b) of section seven of the Public Reserves, Domains, and National Parks Act, 1928, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the reservation for public recreation over the land described in the Schedule hereto, and doth hereby declare that the said land, being vested in the Crown, is Crown land available for disposal under the Land Act, 1924.

## SCHEDULE.

## WELLINGTON LAND DISTRICT.

SECTION 13, Block V, Pukeokahu Survey District: Area, 18 acres.

A. W. MULLIGAN,  
Acting Clerk of the Executive Council.  
(L. and S. 6/1/465.)

*Revoking Order in Council licensing the Tobacco Producers Trust, Limited, to use and occupy Part of the Foreshore and Land below Low-water Mark at Shelly Beach, in Kaipara Harbour, as a Site for a Wharf.*

BLEDISLOE, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of December, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the seventh day of April, one thousand nine hundred and thirty, and published in the *New Zealand Gazette*, No. 27, of the tenth day of the same month, the Tobacco Producers Trust, Limited (who, with its executors, and assigns is hereinafter referred to as "the company"), was licensed to use and occupy part of the foreshore and land below low-water mark at Shelly Beach, Kaipara Harbour, as a site for a wharf:

And whereas the company has failed to comply with clause 13 (4) of the hereinbefore-recited license, and it is desirable to revoke the said license in accordance with the provisions of the said clause:

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 Harbours Act, 1923, 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 revoke the hereinbefore-recited Order in Council of the seventh day of April, one thousand nine hundred and thirty.

A. W. MULLIGAN,  
Acting Clerk of the Executive Council.

*Licensing William Hobbs and Thomas Andrew to Use and Occupy a Part of the Foreshore of Tatarariki in Kaipara Harbour as a Site for a Wharf.*

BLEDISLOE, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of December, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twelfth day of April, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette*, No. 54, of the twenty-second day of the same month, John Fleming and Alfred Dewbery, trading as "Fleming and Dewbery," were licensed to occupy for a period of fourteen years, computed from the twelfth day of September, one thousand nine hundred and fifteen, a part of the foreshore and land below low-water mark of Tatarariki in Kaipara Harbour in order to erect and maintain thereon a wharf in accordance with plan marked M.D. 4392, and deposited in the office of the Marine Department at Wellington:

And whereas the said license was with the previous consent of the Minister of Marine transferred on the fourth day of August, one thousand nine hundred and twenty-one, to John George Newsham and William Hobbs, trading as "Newsham and Hobbs":

And whereas the said license has expired, and William Hobbs and Thomas Andrew (who, with their executors, administrators, and assigns, are hereinafter called "the licensees") have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen

years, and it is advisable to grant the same 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 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 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 and land below low-water mark which is particularly shown and delineated on plan 4392, so deposited as aforesaid, for the purpose of maintaining thereon a wharf 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 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 the part of the foreshore and land below low-water mark necessary for the maintenance of the said wharf, as shown on plan M.D. 4392.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £1, and thereafter an annual sum of £1 in advance, payable on the 1st day of April in each year.

4. All persons shall, at all reasonable times, upon payment of the proper dues, have full liberty to use the said wharf, and all rights of ingress and egress thereon and therefrom.

5. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years, computed from the 12th day of April, 1929, 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.

6. 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.

7. 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.

8. 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 places as may be approved by the Minister or by any person appointed by the Minister for that purpose.

9. The licensees shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at their 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.

10. 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 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.

11. 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 of 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 make good or repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.