

hundred and thirty-five, at half past seven o'clock p.m., as the time when, and the Poukiore Hall as the place where, the first meeting of the Board shall be held.

SCHEDULE.

WELLINGTON LAND DISTRICT.—POUKIORE DOMAIN.
SECTION 35, Block XV, Tiriraukawa Survey District: Area, 17 acres 3 roods 8 perches.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.
(L. and S. 1/352.)

Making Additional Regulations under Part I of the Fisheries Act, 1908.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 3rd day of July, 1935.

Present:

THE HON. SIR ALFRED RANSOM PRESIDING IN COUNCIL.

IN pursuance of the powers and authorities conferred by the fifth section of the Fisheries Act, 1908, and of all other powers and authorities in that behalf enabling, 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 make the following additional regulations, and doth hereby order and declare that they shall come into force on the date of publication thereof in the *Gazette*.

REGULATIONS.

(1) No person shall use any net for taking indigenous fish in any part of the Kakanui River or inside its mouth: Provided that this regulation shall not apply to persons using a landing-net in fishing with rod and line or using a whitebait-net or using a set-net for taking mullet.

(2) No person shall use a set-net for taking mullet in the Kakanui River above a line drawn in an easterly direction across the river from the left bank of the backwater which enters the main channel on its right bank at the junction of the backwater aforesaid approximately 135 yards below the Kakanui Bridge, and marked by posts painted white fixed on either bank.

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

Licensing the Benara Timber Company, Limited, to use and occupy a Part of the Foreshore and Land below Low-water Mark at Westhaven Inlet as a Site for a Wharf and Tramline, and prescribing Dues for the use of the said Wharf.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 3rd day of July, 1935.

Present:

THE HON. SIR ALFRED RANSOM PRESIDING IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby license and permit the Benara Timber Company, Limited, of Nelson (hereinafter called "the company," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy all that part of the foreshore and land below low-water mark at Westhaven Inlet, shown on plan marked M.D. 7356, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf and tramline shown on the said plan for a term of fourteen years computed from the first day of July, one thousand nine hundred and thirty-five, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth hereby prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the company for the use of the said wharf.

FIRST SCHEDULE.

1. In these conditions the terms—

"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 adjacent thereto necessary for the maintenance of the said wharf and tramline at the site shown on plan marked M.D. 7356.

3. In consideration of the concessions and privileges granted by this Order in Council the company 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 rental in respect of the period from the 1st day of July, 1935, until the 31st March following to be paid on the company being supplied with a copy of this Order in Council.

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

5. 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 and tramline without payment.

6. The company shall maintain the above-mentioned wharf and tramline in good order and repair, and shall at all times exhibit from the wharf and maintain at the company's 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 wharf and tramline and view the state of repair thereof, and upon such Minister leaving at or posting to the last known registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf and tramline, requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the company 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 master of each vessel discharging ballast at the said wharf shall have all such ballast taken away 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 or under this Order in Council shall continue in force for fourteen years from the 1st day of July, 1935, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the company 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 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 company 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 registered office of the company in New Zealand.

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

13. In case the company 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 wharf and tramline for a period of thirty consecutive days;
- (3) Be in any manner wound up or dissolved; or
- (4) Fail to pay the sums specified in clause 3 of these conditions—

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 company or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company 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.