

Directing Sale of Railway Land at Newmarket under the Public Works Act, 1928.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of September, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by the thirty-fifth section of the Public Works Act, 1928 (hereinafter termed "the said Act"), it is enacted that if it is found that any land held, taken, purchased, or acquired at any time under this or any other Act or Provincial Ordinance, or otherwise howsoever, for any public work, is not required for such public work, the Governor-General may, by Order in Council publicly notified and gazetted, cause the same to be sold under the conditions set forth in the said Act :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby order and direct the sale of the land described in the Schedule hereto.

SCHEDULE.

APPROXIMATE area of the piece of land: 1.7 perches.
Portion of railway land, Proclamation 500 (part of Allotment 39 of Section 3, Suburbs of Auckland), Block VIII, Rangitoto Survey District, Borough of Newmarket. (S.O. 28113, blue.)

In the North Auckland Land District; as the same is more particularly delineated on the plan marked L.O. 3672, deposited in the office of the Government Railways Board at Wellington, and thereon coloured yellow.

C. A. JEFFERY,
Clerk of the Executive Council.

(L.O. 15856.)

Licensing Edwin Longden, Charles Cecil Narbey, Frederic Edward Davis, Joyce Alfred Clements, William Edward Jacobson, and Herbert Piper, as Trustees for the Inhabitants of the District, to use and occupy Part of the Foreshore and Land below Low-water Mark at Akaroa as a Site for a Yacht-slip.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of September, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 Edwin Longden, Charles Cecil Narbey, Frederic Edward Davis, Joyce Alfred Clements, William Edward Jacobson, and Herbert Piper, all of Akaroa, as trustees for the inhabitants of the district (hereinafter called "the trustees"), to use and occupy all that part of the foreshore and land below low-water mark at Akaroa, shown on plan marked M.D. 3089, duly approved on the twenty-third day of August, one thousand nine hundred and seven, pursuant to the provisions of the Harbours Act, 1878, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the yacht-slip as shown on the said plan for a term of fourteen years computed from the twenty-third day of August, one thousand nine hundred and thirty-five, such license to be held and enjoyed by the trustees upon and subject to the terms and conditions set forth in the Schedule hereto.

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 necessary for the maintenance of the said yacht-slip at the site shown on plan marked M.D. 3089.

3. In consideration of the concessions and privileges granted by this Order in Council the trustees shall on demand pay to the Minister an annual rental of 1s.

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 yacht-slip without payment.

5. The trustees shall maintain the above-mentioned yacht-slip in good order and repair and shall at all times exhibit therefrom and maintain at the trustees' 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.

6. Any person authorized by the Minister may at all reasonable times enter upon the said yacht-slip and view the state of repair thereof, and upon such Minister leaving at or posting to the last known address of the trustees in New Zealand a notice in writing of any defect or want of repair in such yacht-slip requiring the trustees within a reasonable time, to be therein prescribed, to repair the same, the trustees shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the trustees 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 23rd day of August, 1935, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the trustees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. 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 trustees 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 trustees in New Zealand.

10. The trustees shall be liable for any injury which the said yacht-slip may cause any vessel or boat to sustain through any default or neglect on the trustees' part.

11. In case the trustees 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 yacht-slip for a period of thirty consecutive days;
- (3) Become bankrupt, or be brought under the operation of any law for the time being in force 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 right, power, or privilege may be revoked and determined by the Governor-General in Council without any notice to the trustees or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the trustees 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.

12. 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 trustees shall, if required by the Minister so to do, remove the said yacht-slip entirely from the site and restore the site to its original condition within three months from the date of the revocation or expiry, as the case may be; and if the trustees fail so to do, the Minister may cause the said yacht-slip to be removed and the site so restored and may recover from the trustees the costs incurred by the said removal and restoration.

C. A. JEFFERY,
Clerk of the Executive Council.