

Authorizing the Laying-off of a Street off St. Helier's Bay Road, in the City of Auckland, of a Width of less than 66 ft., but not less than 54 ft., subject to a Condition as to the Building-line.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of October, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers vested in him by the Municipal Corporations Act, 1933, the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, 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 authorize the Auckland City Council to permit the laying-off of the proposed street described in the Schedule hereto of a width of less than sixty-six feet, but not less than fifty-four feet, subject to the condition that no building or part of a building shall at any time be erected on the land fronting the said street within a distance of thirty-three feet from the centre-line of the said street.

SCHEDULE.

THAT proposed street in the North Auckland Land District, City of Auckland, off St. Helier's Bay Road, containing by admeasurement 1 acre 3 roods 25 perches, more or less, being portion of the land on D.P. 1584, and being portion of Allotments 25 and 26, District of Tamaki. As the same is more particularly delineated on the plan marked P.W.D. 89806 (sheet 1), deposited in the office of the Minister of Public Works at Wellington, and thereon edged red.

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

(P.W. 34/2881.)

Variation of Order in Council prohibiting Alienation of certain Native Lands or Lands owned by Natives.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of October, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section one hundred and sixty-seven of the Native Land Act, 1931, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby vary an Order in Council made on the fourth day of April, one thousand nine hundred and thirty-two, and published in the *Gazette* on the seventh day of April, one thousand nine hundred and thirty-two, at page 735, and affecting Hauturu East B 2 Section 2A 1A and other blocks by excluding therefrom the land described in the Schedule hereto.

SCHEDULE.

Block.	Area.		Survey District.
	A.	R. P.	
Kinohaku East 2 Section			
24A 1	144	2 25	Otake.
Piha 1B 3A 3	20	2 10	Orahiri.

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

Vesting the Control of Part of the Foreshore at Ohawe in Trustees.

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of October, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is enacted by section one hundred and fifty-eight of the Harbours Act, 1923 (hereinafter called "the said Act"), that where the foreshore outside the limits of a harbour is not vested in any Harbour Board or other local authority the Governor-General may, by Order in Council, grant, for a period not exceeding twenty-one

years, the control of such part or parts thereof as he thinks fit to any local authority, Domain Board, or persons acting as trustees for the inhabitants of the locality upon such conditions as may be prescribed in the Order :

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and it is desirable that the control thereof be vested in trustees :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon 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 appoint

Arthur Malcolm Brown,
Raymond Roberts Henderson,
John Bryson Murdoch, and
Mounu Ripene

to be trustees for the inhabitants of Ohawe and the surrounding locality, and doth hereby grant to the trustees the control of the foreshore as described in the First Schedule hereto, and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

ALL that portion of the foreshore in Hawera County, commencing opposite Rainie Road and extending generally southward for a distance of sixty chains beyond the road on to the beach near the basin of the Native Reserve.

SECOND SCHEDULE.

- In these conditions the term—
"Foreshore" means all land between high-water mark of ordinary spring tides and low-water mark of 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.
- The concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the foreshore as defined in the First Schedule hereto.
- 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, out, and over the said foreshore without payment.
- 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 with any regulation of the Minister of Customs, or with any provision of the Harbours Act, 1923, or its amendments, or any regulations made thereunder and that are or may hereafter be in force.
- The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore-ends of any telegraph cables that are at present or may be at any time laid down within the said area of foreshore.
- The trustees may enclose any part or parts of the foreshore described in the First Schedule hereto for the purpose of holding athletic sports or games, and may by by-law fix a charge for admission to such enclosed part or parts : Provided that the total number of days on which such enclosures are made shall not exceed six in any one year.
- The trustees may, subject to the provisions of section 171 of the Harbours Act, 1923, erect, or license, or permit the erection of, bathing-sheds or boat-sheds on the foreshore described in the First Schedule hereto, and may make by-laws regulating the use thereof, and may fix charges for such use : Provided that the funds so received shall be expended in improving the foreshore for the benefit of the public.
- Nothing herein contained shall authorize the trustees to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister being first obtained.
- By-laws made by the trustees under the said Act in respect of the foreshore shall not have any effect unless and until approved in writing by the Minister.
- The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for twenty-one years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.
- The said rights, powers, and privileges may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the trustees six 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.

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