

*Land set apart as a Permanent State Forest.*

[L.S.] GALWAY, Governor-General.

A PROCLAMATION.

BY virtue and in exercise of the powers and authorities conferred upon me by section eighteen of the Forests Act, 1921-22, I, George Vere Arundell, Viscount Galway, Governor-General of the Dominion of New Zealand, do hereby set apart the land described in the Schedule hereto as a permanent State forest.

SCHEDULE.

OTAGO LAND DISTRICT.—SOUTHLAND FOREST-CONSERVATION REGION.

ALL that area containing by admeasurement 3 acres 2 roods 8 perches, more or less, and being Sections 59A and 60A, Conical Hills Settlement, Block VIII, Waipahi Survey District.

Also all that area containing by admeasurement 3 acres 2 roods 25 perches, more or less, and being Sections 61A and 62A, Conical Hills Settlement, Block VIII, Waipahi Survey District, permanently reserved for plantation purposes by Warrant under the Land Act, 1908, published in *Gazette*, 1922, page 1526.

As the same are more particularly delineated on plan No. 204/8, deposited in the Head Office of the State Forest Service at Wellington, and thereon bordered red.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this 5th day of July, 1937.

FRANK LANGSTONE,  
Commissioner of State Forests.

GOD SAVE THE KING!

*Licensing the Kaipara Steamship Company to use and occupy a Part of the Foreshore and Land below Low-water Mark at Dargaville, Kaihu Creek, Northern Wairoa River, as a Site for a Wharf.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 7th day of July, 1937.

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 the Kaipara Steamship Company (hereinafter called "the company," which term shall include its successors and assigns unless the context requires a different construction, to use and occupy a part of the foreshore and land below low-water mark at Dargaville, Kaihu Creek, Northern Wairoa River, as shown on plan marked M.D. 5635, approved on the eighteenth day of June, one thousand nine hundred and twenty-three, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf as shown on the said plan for a term of fourteen years computed from the eighteenth day of June, one thousand nine hundred and thirty-seven, such license to be held and enjoyed by the company 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 that part of the foreshore and land below low-water mark necessary for the maintenance of the wharf as shown on plan M.D. 5635.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £1, and thereafter an annual sum of £5, in advance, payable on the first day of April in each year, the proportionate part of such rental in respect of the

period from the 18th June, 1937, until the 31st day of 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, and upon payment of the proper dues, have free and full liberty to use the said wharf and all rights of ingress and egress thereto 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, over, and out of the said wharf without payment.

6. The company shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at the company's own cost suitable and necessary lights: 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 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, 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 by the Minister or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years from the 18th day of June, 1937, 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 may be at any time resumed by the Governor-General, and the company may be required to remove the wharf at the company's own cost, 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 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 for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (4) Be in any manner wound up or dissolved—

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 rights and privileges thereby conferred, have been revoked and determined.

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

15. The occupation of the wharf shall be deemed to be an acceptance by the company of the terms and conditions of this order in Council.

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