

Authorizing the Acquisition of Land notwithstanding the Provisions as to Limitation of Area.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of April, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section two hundred and forty-six of the Native Land Act, 1931, and all other powers him enabling, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby authorize the disposition to and the acquisition by Campbell Larnach MacDiarmid, of Hamilton, Solicitor, Hugh Douglas, of Hamilton, Surgeon, Richard English, of Hamilton, Public Accountant, Daniel Vickery Bryant, of Hamilton, Farmer, Cecil Daniel Bryant, of Tauwhare, Farmer, and John Thomas Bryant, of Matangi, Farmer, of the lands described in the Schedule hereto, notwithstanding the provisions of Part XII of the said Act.

SCHEDULE.

The following parcels of land, situate in the Auckland Land Registration District:—

1. The residue of the land comprised and described in Certificate of Title, Vol. 215, folio 274, containing 47 acres 1 rood 11.5 perches, more or less, called or known as Te Kumi No. 3B No. 3 Block.

2. All the land comprised and described in Certificate of Title, Vol. 325, folio 63, containing 74 acres 1 rood 0 perches, more or less, being the Whaanga No. 2A Block.

C. A. JEFFERY,

Clerk of the Executive Council.

Amending Order in Council delegating Powers under the Cemeteries Act.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of April, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred upon him by the Cemeteries Act, 1908, 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 revoke, in so far as it relates to the Frankton Cemetery, the Order in Council delegating powers under the said Act made on the eighteenth day of September, one thousand nine hundred and thirty-three, and published in the *Gazette* on the twenty-first day of the same month, at page 2429.

C. A. JEFFERY,

Clerk of the Executive Council.

(H.C. 39/1.)

Delegating Powers under the Cemeteries Act, 1908.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of April 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred upon him by the Cemeteries Act, 1908, 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 delegate to the Lake County Council the powers conferred upon him by section four of the said Act of appointing and removing trustees in respect of the Frankton Cemetery, as described in the Schedule hereto.

SCHEDULE.

FRANKTON CEMETERY.

All that area in the Otago Land District containing by admeasurement 3 roods 8 poles, more or less, being Cemetery Reserve No. 1, Town of Frankton. Bounded towards the south-west, north-west, and north-east by Section 5, Block

XXI, Shotover Survey District, 400, 200, and 400 links, respectively, and towards the south-east by McBride Street, 200 links; be all the aforesaid linkages more or less.

Also all that area in the Otago Land District containing by admeasurement 7 acres 2 roods 11 poles, more or less, being part of Cemetery Reserve No. 2, Town of Frankton. Bounded towards the north-west by McBride Street, 468 links, towards the north-east by a public road 1801 links, towards the south-east by other part of said Cemetery Reserve No. 2, 450 links, and towards the south-west by Crown land and Grant Street, 1760 links; be all the aforesaid linkages more or less.

As the same are more particularly delineated on the plan marked 191/2/476, deposited in the Head Office, Department of Health, at Wellington, and thereon bordered red.

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

(H.C. 39/2.)

Licensing Paul Jovanovitch to Use a Part of the Foreshore and Land below Low-water Mark at Stoney Creek, on the Whenuakite River, Coromandel County, as a Site for Timber Booms.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of April, 1939.

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 Paul Jovanovitch (hereinafter called "the licensee," which term shall include his executors, administrators, 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 Stoney Creek, on the Whenuakite River, Coromandel County, as shown on plan marked M.D. 3743, approved on the tenth day of October, one thousand nine hundred and eleven, and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon timber booms as shown on the said plan, such license to be held and enjoyed by the licensee 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 adjacent thereto necessary for the maintenance of the said timber booms at the site shown on the plan marked M.D. 3743.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee 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 first of such annual payments to be paid on the license being supplied with a copy of this Order in Council.

4. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said timber booms without payment.

5. The licensee shall maintain the above-mentioned timber booms in good order and repair; and shall at all times exhibit therefrom, and maintain at the licensee'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.

6. Any person authorized by the Minister may at all reasonable times, enter upon the said timber booms and view the state of repair thereof; and upon such Minister leaving at or posting to the last-known address of the licensee in New Zealand a notice in writing of any defect