

Licensing the Waikato County Council to use and occupy a Part of the Foreshore of the Whangamarino River as a Site for a Wharf and Shed.

LIVERPOOL, Governor.

By his Deputy,
ROBERT STOUT.

ORDER IN COUNCIL.

At the Government House at Wellington, this first day of June, 1914.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Waikato County Council (hereinafter called "the Council") has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark of the Whangamarino River at Whangamarino Falls, in order to erect and maintain a wharf and shed thereon; and, in accordance with the provisions of the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department at Wellington, marked M.D. 4254 and 4271 respectively, showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said wharf and shed :

And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation, and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council :

And whereas it is expedient that a license should be granted and issued to the Council under the said Act for the purpose aforesaid, on the terms and conditions hereinafter expressed :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in 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 approve of the object for which the said license is required by the Council as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the Council to use and occupy that part of the foreshore and land below low-water mark on which the said wharf and shed are to be erected, as shown on the plan M.D. 4254 so deposited as aforesaid, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. IN these conditions the term "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 adjacent thereto, necessary for the erection of the said wharf and shed as shown on the plan marked M.D. 4254.
3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharf and shed, and all rights of ingress and egress thereon and therefrom.
4. His Majesty or the Governor, and all persons 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 shed without payment.
5. The Council shall maintain the above-mentioned wharf and shed in good order and repair, and shall at all times exhibit from the wharf, and maintain at its 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 wharf and shed and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such wharf or shed, requiring it within a reasonable time, to be therein prescribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.
7. Nothing herein contained shall authorize the Council 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 Commissioner of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

8. The ballast of all vessels loading at the said wharf shall be taken away and deposited by the Council 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.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for a period of fourteen years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor, without payment of any compensation whatever, on giving to the Council 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 Council in New Zealand.

11. The Council shall be liable for any injury which the said wharf and shed may cause any vessel or boat to sustain through any default or neglect on the part of the Council.

12. In case the Council shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- (2.) Cease to use or occupy the said wharf and shed for a period of thirty days,—

then and in either of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the Council or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, 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.

13. The erection of the said wharf and shed shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council.

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ORDER IN COUNCIL.

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HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Waikato County Council (hereinafter called "the Council"), has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark of the Waikato River at Rangiriri, in order to erect and maintain a wharf thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited a plan in the office of the Marine Department at Wellington, marked M.D. 4253, showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said wharf :

And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor in Council :

And whereas it is expedient that a license should be granted and issued to the Council under the said Act for the purpose aforesaid, on the terms and conditions hereinafter expressed :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in 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 approve of the object for which the said license is required by the Council as aforesaid; and, in further pursuance and exercise of