

*Validating Proceedings in connection with a Loan of £1,000 proposed to be raised by the Council of the County of Manawatu.*

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this nineteenth day of April, 1915.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

WHEREAS the Manawatu County Council lately proposed to raise a loan of one thousand pounds to form and metal Kellows Line continuation under the Local Bodies' Loans Act, 1913 :

And whereas the special roll of the ratepayers, though deposited for public inspection, was not deposited in accordance with the provisions of the above-mentioned Act and the regulations made thereunder, inasmuch as the said roll was not deposited not less than seven days before any steps were taken to raise the said loan as required by section seventeen of the above-named Act :

And whereas it appears that the ratepayers have not been misled by such irregularity or defect, and it is expedient to validate the same :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on him by section one hundred and eleven of the Local Bodies' Loans Act, 1913, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby validate the said proceedings; and doth hereby further order and declare that the deposit of the special roll shall be valid to all intents and purposes as though the said roll had been deposited for public inspection at the proper time, and that the proceedings in connection with the said loan shall not be called into question by reason only of the irregularity aforesaid.

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

*Licensing the Kauri Timber Company (Limited) to use and occupy a Part of the Foreshore of Waihou, Kaeo, Pupuke, and Tairua Rivers as a Site for Timber-booms.*

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this nineteenth day of April, 1915.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act Amendment Act, 1883, the Kauri Timber Company (Limited), of Auckland (hereinafter called "the company"), did in the year 1901 apply for a license under the said Act to occupy a part of the foreshore, and the land below low-water mark immediately contiguous to such foreshore, in order to erect and maintain thereon certain booms, as set forth in the First Schedule hereto, for the purpose of confining floating timber; and, in accordance with the one-hundred-and-fifty-sixth section of the Harbours Act, 1878, deposited plans in the office of the Marine Department at Wellington (marked as described in the First Schedule hereto), showing the places where it was intended to erect such booms, and the area of foreshore or land below low-water mark intended to be occupied for such purposes: And whereas it having been made to appear to the Governor in Council that the proposed works would not be or tend to the injury of navigation, a license was duly issued to the company to occupy the said foreshore and land below low-water mark for a period of fourteen years from the twenty-seventh day of March, one thousand nine hundred and one: And whereas the said license having expired, the company has, in pursuance of the provisions of the Harbours Act, 1908 (hereinafter called "the said Act"), applied for a renewal of the said license for a period of fourteen years from the date of expiry of the said license, and it is expedient to grant the same, under the said Act, 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 with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the company 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 company to use and occupy those parts of the foreshore, and of

the land below low-water mark immediately contiguous thereto, which are particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of maintaining thereon booms for confining any floating timber of any kind or description whatsoever belonging to or under the control of the company, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

Position of Booms, and Marks on Plans thereof.	Annual Charge for Sites.
Waihou River, Hokianga : Plans M.D. 1543 and 1544	£ s. d. 7 0 0
Kaeo and Pupuke Rivers, Whangaroa : Plans M.D. 1150 and 1151	7 0 0
Tairua River, Tairua Harbour : Plan M.D. 1267	4 0 0

SECOND SCHEDULE.

CONDITIONS.

1. The concessions and privileges conferred by this Order in Council shall extend and apply only to the parts of the foreshore and of the land below low-water mark necessary for the construction of booms as shown on the plans mentioned in the First Schedule of this Order in Council.

2. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter, in advance, the annual sums mentioned in the First Schedule, the first of such annual payments to be made on a copy of this Order in Council being supplied to the company.

3. The company shall cause the said booms to be constructed so as to provide that there shall be no unnecessary delay in allowing the passage of vessels and boats.

4. Should it at any time be made to appear to the Minister that the means of providing proper passage for vessels and boats are insufficient, he may, by a notice in writing left at or posted to the last known address of the company, require it to provide such means as may be specified in such notice; and it shall thereupon, with all convenient speed, cause such means to be provided.

5. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years, computed from the 27th day of March, 1915, 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.

6. The said rights, powers, and privileges may be at any time resumed by the Governor, and the company may be required to remove the booms or any of them from the rivers mentioned and the beds thereof, at its 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 address of the company.

7. The company shall be liable for any injury which may be sustained by any vessel or boat in passing through the booms or by contact with them, and which may be occasioned by any default or neglect on its part.

8. 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 booms, or any of them;
- (3.) Fail to pay the sums specified in clause 2 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 or any right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the company 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 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; and upon such revocation the Minister may cause the said booms, and all other erections or buildings thereto belonging, to be removed, and may recover the cost incurred by any such removal from the company or its legal representative.

9. 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.

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