

Licensing the Raglan County Council to use and occupy a Part of the Foreshore of the Opuatia Stream, Raglan County, as a Site for a Wharf, and prescribing Dues for its Use.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-first day of August, 1916.

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 Raglan 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 Opuatia Stream, Raglan County, in order to construct a wharf thereon, and, in accordance with 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. 4593 and 4650, showing the area of foreshore intended to be occupied :

And whereas it has been made to appear that the said wharf will not be or tend to the injury of navigation :

And whereas it is expedient that a license should be granted to the Council under the said Act, for the purpose aforesaid, and that dues and rates should be prescribed for the use of the said wharf :

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 purpose or 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 immediately contiguous thereto, which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of using the aforesaid wharf in connection therewith, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the First Schedule hereto; and doth hereby prescribe that all the dues and rates set forth in the Second Schedule hereto shall, on and after the date of publication of this Order in Council in the *New Zealand Gazette*, be charged and taken by the Council for the use of the said wharf.

FIRST 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 occupied by the said wharf as shown on plans marked M.D. 4593 and 4650.

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 all rights of ingress and egress thereon and therefrom.

4. His Majesty or the Governor, 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, and out of the said wharf without payment.

5. The Council shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom 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 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, 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 any regulation of the Minister 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 by the Council and deposited above high-water mark, or at such place as may be approved of 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 fourteen years from the date thereof, 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 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 may cause any vessel or boat to sustain through any default or neglect on its part.

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 for a period of thirty days;

then and in either of the said cases this Order in Council, and every license, 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 shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

SECOND SCHEDULE.

WHARFAGE.

	s.	d.
FLOUR, sugar, grain, meal, bran, chaff, sharps, potatoes, or wire, landed or shipped (minimum charge, 3d. per cwt.), per ton	2	0
Manure, per ton	1	6
Grass-seed, per sack	0	3
Wool, per bale	1	0
" per bag	0	3
Skins, per bundle	0	6
Hides,	0	6
" (loose), each	0	3
Timber, per 100 sup. ft.	0	6
Bricks, per 1,000	2	6
Posts, per 100	2	0
Butter, per box	1	0
General merchandise, per box, bag, or parcel	0	3

STORAGE.

All goods remaining in the shed after four days to pay storage at the rate of 2s. 6d. per ton or part of a ton for every week or part of a week.

GENERAL.

No person shall remove goods from the wharf or shed to the shore, nor from the wharf or shed to a vessel, until all dues payable thereon have been paid.

All goods to be placed as directed by the Council or persons authorized on its behalf.

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

One Side of the Portions of Roads adjoining Carter's Estate, Carterton, exempted from the Provisions of Section 117 of the Public Works Act, 1908, subject to a Condition as to the Building-line.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-first day of August, 1916.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by subsection one of section one hundred and seventeen of the Public Works Act, 1908, it is, *inter alia*, provided that the said section shall not apply in