

lawful or competent for any local authority or for any Harbour Board, during the present war with Germany, to borrow or contract to borrow any money (otherwise than by way of bank overdraft within the limit of its powers, if any, in that behalf) whether from the State Advances Office or from any other source whatever, and whether in pursuance of a special Act or under any other authority whatever, without the precedent consent of the Governor in Council:

And whereas application has been made for the consent of the Governor in Council to enable the local authorities mentioned in the Schedule hereto to borrow the loans set out in column B therein: And whereas it is expedient that the precedent consent of the Governor in Council should issue:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby consent to the borrowing of the loans hereinafter mentioned by the local authorities set out in the Schedule hereto; provided that the rate of interest at which the loans or any of them are to be raised shall in no case produce to the lender a return exceeding five and one-quarter pounds per centum per annum; and it is hereby declared that this Order in Council is made under the provisions in that behalf of the Appropriation Act, 1915, and shall operate accordingly as a consent of the Governor in Council to the raising of the loans hereby authorized.

SCHEDULE.

	Column B.
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Foxton Harbour Board	16,000
Christchurch City Council	27,000
Manukau County Council	300
Manukau County Council	600
Masterton County Council	750
Masterton County Council	1,100
Waipawa County Council	500
Rangitikei County Council	700
Te Awamutu Borough Council	3,000
Pahiatua Borough Council	1,000

F. W. FURBY,
Acting Clerk of the Executive Council.

Licensing Alfred E. Harding to use and occupy a Part of the Foreshore of Kaipara Harbour as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-ninth day of January, 1917.

Present:

THE HONOURABLE JAMES ALLEN PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Alfred E. Harding, of Mangawhare (hereinafter called "the licensee"), in they ear one thousand eight hundred and ninety-five, applied to the Governor in Council for a license under the Harbours Act Amendment Act, 1883, to occupy a part of the foreshore, and the land below low-water mark immediately contiguous to such foreshore, of Wairoa River, Kaipara Harbour, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fifty-sixth section of the Harbours Act, 1878, deposited a plan in the office of the Marine Department at Wellington (marked M.D. 2008), showing the manner in which it was proposed to construct such wharf, the place where it was intended to erect the same, and the area of foreshore and land below low-water mark intended to be occupied for such purpose: And whereas it was made to appear to the Governor in Council that the proposed work would not be or tend to the injury of navigation, and the said plan was approved by the Governor in Council without modification or addition: And whereas, pursuant to such application, a license was, by Order in Council dated the twenty-third day of September, one thousand eight hundred and ninety-five, and published in the *New Zealand Gazette* of the twenty-sixth day of the same month, granted and issued to the licensee under the said Act for the purpose aforesaid, for the term of fourteen years, computed from the twenty-third day of September, one thousand eight hundred and ninety-five, on the terms and conditions therein expressed:

And whereas the licensee duly constructed the said wharf, and the same is now under the control and management of the licensee:

And whereas by Order in Council dated the third day of November, one thousand nine hundred and nine, and published in the *New Zealand Gazette* of the eleventh day of the

same month, the licensee was authorized to use and occupy that part of the foreshore, and of the land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for a further period of seven years, computed from the expiry of the term of the said first-mentioned license: And whereas the said period of seven years has now expired:

And whereas the licensee has made application for a fresh license under the Harbours Act, 1908 (hereinafter called "the said Act"), for a term of seven years, computed from the expiry of the term of the said last-mentioned license, and it is expedient to grant the same for the term and subject to the 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 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 licensee 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 licensee to use and occupy that part of the foreshore, and of the land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of using the aforesaid wharf in connection therewith; 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. THE concessions and privileges conferred by this Order in Council shall extend and apply only to the parts of the foreshore, and the land below low-water mark necessary for such wharf, as shown on the plan marked M.D. 2008, and deposited in the office of the Marine Department as aforesaid.

2. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of 10s. in advance, payable on the 1st day of October, dating from the 1st day of October, 1916, the first of such annual payments to be made on the licensee being supplied with a copy of this Order in Council.

3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the 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 wharf without payment.

5. The licensee shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom and maintain at his 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 licensee a notice in writing of any defect or want of repair in such wharf, requiring him within a reasonable time, to be therein prescribed, to repair the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the licensee 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of seven years, computed from the first day of October, 1916, unless in the meantime such rights, powers, and privileges are altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. The ballast of all vessels loading at the said wharf shall be taken away by the licensee and deposited above high-water mark, or at such place as may be approved of by the Minister, by the Harbourmaster at Kaipara, or by any person appointed by the Minister for that purpose.

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 licensee three calendar months' previous notice in writing. Any such