

*Licensing the Waikato Shipping Company (Limited) to use and occupy a Part of the Foreshore and Land below Low-water Mark of Waikato River at Ngaruawahia as a Site for a Wharf and Shed.*

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February, 1921.

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, 1908 (hereinafter called "the said Act"), the Waikato Shipping Company (Limited), of Hamilton (hereinafter called "the company"), has applied to the Governor-General in Council for a license under the said Act to use and occupy a part of the foreshore and land below low-water mark of Waikato River at Ngaruawahia, as shown on plan marked M.D. 5277, and deposited in the office of the Marine Department at Wellington, in order to erect and maintain a wharf and shed thereon :

And whereas it has been made to appear to the Governor-General in Council that the said wharf and shed 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-General in Council :

And whereas it is desirable that a license under the said Act for the purpose aforesaid should be granted and issued to the company for the term and subject to the conditions hereinafter expressed :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance 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 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 that part of the foreshore and land below low-water mark adjacent thereto necessary for the erection and maintenance of the said wharf and shed, such license to be held and enjoyed by the company 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 occupied by the said wharf and shed as shown on plan marked M.D. 5277.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 in advance, dating from the date hereof, the first of such annual payments to be made on the company being supplied with a copy of this Order in Council.

4. All persons shall at all reasonable times, and 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.

5. His Majesty or the Governor-General, 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 and shed without payment.

6. The company shall maintain the above-mentioned wharf and shed 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 by the Minister.

7. 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 company in New Zealand a notice in writing of any defect or want of repair in such wharf and 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.

8. Nothing herein contained shall authorize the company 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.

9. The ballast of all vessels loading at the said wharf shall be taken away by the company 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.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for 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 company shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, 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 in New Zealand.

12. The company 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.

13. 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 wharf and shed for a period of thirty days ;

(3.) Be in any manner wound up or dissolved ; or

(4.) Fail to pay the sums specified in clause 3 of these conditions,—

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-General 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 license, rights, and privileges thereby granted and conferred, have been revoked and determined.

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

F. D. THOMSON,  
Clerk of the Executive Council.

#### *Anglo-German Mixed Arbitral Tribunal.*

THE following announcement made by the British Board of Trade is published for the information of all concerned :—

"The Mixed Arbitral Tribunal to be established between the United Kingdom on the one hand and Germany on the other hand under Article 304 of the Treaty of Versailles has been constituted and is about to begin work in London. The President of the Tribunal is Professor Eugene Borel, a Swiss jurist and Professor of Public and International Law in the University of Geneva. The British and German members are respectively Mr. R. E. L. Vaughan Williams, K.C., of Lincoln's Inn, and Dr. jur. Adolph Nicolaus Zacharias, Senatspräsident of the Hanseatic Oberlandesgericht.

"A great part of the work of the Tribunal is to decide as to debts under Article 296 of the Treaty where a difference has arisen between an enemy debtor and an enemy creditor or between the British and German clearing offices. Under Article 297 the Tribunal can determine compensation to be borne by Germany in respect of damage or injury inflicted on the property, rights, or interests of British Nationals in German territory as they existed on August 1, 1914, by the exceptional war measures or measures of transfer mentioned in the Annex to that Article. The other matters within the jurisdiction of the Tribunal are set out in Articles 299, 300, 302, 304, 305, and 310 of the Treaty.

"The Procedure before the Tribunal is to some extent regulated by Sections III to VII of Part X of the Treaty, but the Tribunal has settled further and more detailed rules dealing with the manner in which claims must be submitted. These Rules of Procedure should be read in conjunction with the provisions of the Treaty of Peace Order, 1919 (Statutory Rules and Orders, 1919, No. 1517, published by H.M. Stationery Office. Price 2d.).

"The British Government has provided a Court for the meetings of the Tribunal, and an office for the Secretariat at 21 St. James's Square, London, S.W. 1. Mr. Harold Russell, Barrister-at-Law, has been appointed by the Foreign Office to act as British Secretary and the German Government is also appointing a Secretary, the two to act together as joint Secretaries of the Tribunal.