

Licensing Henry George Foster and William Ernest Telfer to use and occupy a Part of the Foreshore and Land below Low-water mark in Whangaruru Harbour as a Site for Timber-booms.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of February, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Henry George Foster and William Ernest Telfer, trading under the style or title of Foster and Telfer (hereinafter called "the licensees"), have applied to the Governor-General in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark in Whangaruru Harbour in order to construct and maintain thereon timber-booms; and, in accordance with the one-hundred-and-fiftieth section of the said Act, have deposited a plan in the office of the Marine Department at Wellington (marked M.D. 5409), showing the place where it is intended to construct such timber-booms, the area of foreshore and land below low-water mark intended to be occupied for such purpose, and the manner in which it is proposed to carry out the works :

And whereas it has been made to appear to the Governor-General 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-General in Council :

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

Now, therefore, His Excellency the Governor-General 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 licensees as aforesaid; and, in further pursuance and exercise of the said power and authority, and by and with the like advice and consent as aforesaid, doth hereby license and permit the licensees to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on the plan so deposited as aforesaid, for the purpose of constructing thereon timber-booms in accordance with the said plan, such license to be held and enjoyed by the licensees 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 to the part of the foreshore and land below low-water mark necessary for the construction of the timber-booms, as shown on plan M.D. 5409.

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

4. The rights, powers, and privileges conferred by 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 licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

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, over, and out of the said timber-booms without payment.

6. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensees may be required to remove the timber-booms at their own cost, without payment of any compensation whatever, on giving to the licensees three months' previous notice in writing. Any notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the licensees in New Zealand.

7. The licensees shall maintain the above-mentioned timber-booms in good order and repair, and shall at all times exhibit

therefrom, and maintain at their own cost, any lights that may be required by the Minister; provided that no light shall be exhibited until after it has been approved of by the Minister.

8. Any person authorized by the Minister may, at all reasonable times, enter upon the said timber-booms and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the licensees a notice in writing of any defect or want of repair in such timber-booms, requiring them, within a reasonable time, to be therein prescribed, to repair the same, they shall with all convenient speed cause such defect to be removed or such repairs to be made.

9. The licensees shall be liable for any injury which may be sustained by any vessel or boat in passing the timber-booms or by contact therewith, and which may be occasioned by any default or neglect on the part of the licensees.

10. In case the licensees 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 timber-booms for a period of thirty days;
- (3.) Fail to pay the sums specified in clause 3 of these conditions; or
- (4.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy,

then and in any of the said cases this Order in Council, and every right, power, and privilege, may be revoked and determined by the Governor-General in Council without any notice to the licensees or other proceedings whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees, 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 timber-booms to be removed, and may recover the costs incurred by any such removal from the licensees.

11. The construction of the timber-booms shall be deemed to be an acceptance by the licensees of the conditions of this Order in Council.

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

Consenting to the Raising of Loans by certain Local Authorities.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of February, 1922.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS application has been made, under section twenty, subsection one, of the Finance Act, 1919, for the precedent consent of the Governor-General in Council to enable the several local authorities mentioned in the Schedule hereto to borrow the sums set out therein, and it is expedient that such consent should issue :

Now, therefore, His Excellency the Governor-General 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 raising of the loans hereinafter mentioned by the several local authorities set out in the Schedule hereto, and it is hereby declared that this Order in Council is made under the provisions in that behalf of the Finance Act, 1919, and shall operate accordingly as a consent of the Governor-General in Council to the raising of the loans hereby authorized.

SCHEDULE.

PALMERSTON NORTH Borough Council (for extending and duplicating the sewerage system, &c.)	£ 23,000
Palmerston North Borough Council (for purchasing additional buses and plant, erect shelter-sheds, and enlarge barn)	10,500
Wairoa Borough Council (for electrical works)	9,000
Kawakawa Town Board (for water-supply)	8,000
Akitio County Council (for constructing Mangatoro River Bridge)	500
Waikohu County Council (for metalling the Kaitara and Puhatikotiko Roads)	500
Freshfield Drainage Board (for constructing drains)	400
Whangarei County Council (for completing the forming and metalling of the Hikurangi Bridge to Riponui Road)	160
Taranaki County Council (for forming and metalling Leith Road)	125

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