

"Low-water mark" means low-water mark at ordinary spring tides :

"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 the part of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said wharf at the site shown on the plan marked M.D. 4253.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall, on being supplied with a copy of this Order in Council, pay to the Minister an annual rental of one shilling, payable on demand.

4. 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, over, and out of the said wharf without payment.

5. 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 all rights of ingress and egress thereon and therefrom.

6. The Council shall maintain and keep the above-mentioned wharf and all erections on or in connection with the said wharf in good order and repair ; and shall at all times exhibit therefrom and maintain at the Council's own cost suitable and necessary lights for the guidance of vessels : Provided that no new 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 any buildings erected on the said wharf or in connection therewith and view the state of repair thereof ; and upon the 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 the Council within a reasonable time, to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

8. 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, 1923, or its amendments, or any regulation 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 Council and deposited above high-water mark, or at such place as may be approved by the Minister, or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 1st day of June, 1928, 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 previous written consent of the Minister first obtained.

11. The rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General, 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.

12. The Council shall be liable for any injury which may be caused by the said wharf to any vessel or boat through any default or neglect on the part of the Council.

13. In case the Council 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 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-General in Council without any notice to the Council or any other proceeding whatsoever ; and the 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.

14. In the event of this Order in Council being revoked for any reason whatsoever, or upon the expiry of the period for which the license is granted, the Council shall, if required by the Minister so to do, remove the said wharf entirely from the site, and restore the site to its original condition within three months from the date of the revocation or expiry, as the case may be ; and if the Council fails so to do, the Minister

may cause the said wharf to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

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

*Licensing the Waikato County Council to use and occupy a Part of the Foreshore and Land below Low-water Mark at the Whangamarino Falls, Whangamarino River, as a Site for a Wharf and Shed.*

CHARLES FERGUSSON, Governor-General.

#### ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 22nd day of May, 1928.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the first day of June, one thousand nine hundred and fourteen, and published in the *New Zealand Gazette* No. 57 of the eleventh day of the same month, the Waikato County Council (who with its successors and assigns are hereinafter referred to as "the Council") was licensed to use and occupy a part of the foreshore and land below low-water mark at the Whangamarino Falls, Whangamarino River, as a site for a wharf and shed, erected in accordance with the plans marked M.D. 4254 and 4271, and deposited in the office of the Marine Department at Wellington, for the term of fourteen years, computed from the first day of June, one thousand nine hundred and fourteen :

And whereas the Council have applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a term of fourteen years, and it is advisable to grant the same :

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 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 plan so deposited as aforesaid, for the purpose of using the wharf and shed thereon, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

#### SCHEDULE.

1. In these conditions the term—

"Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides :

"Low-water mark" means low-water mark at ordinary spring tides :

"Minister" means the Minister of Marine as defined by the Shipping and Seaman 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 the part of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said wharf and shed, at the site shown on the plans marked M.D. 4254 and 4271.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall, on being supplied with a copy of this Order in Council, pay to the Minister an annual rental of one shilling, payable on demand.

4. 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, over, and out of the said wharf and shed without payment.

5. All persons shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf and shed, and rights of ingress and egress thereto and therefrom.

6. The Council shall maintain and keep the above-mentioned wharf and shed and all erections on or in connection with the wharf and shed in good order and repair ; and shall at all times exhibit therefrom and maintain at the Council's own