

*Validating Proceedings in connection with the Waipa County Council's Loan of £4,700.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 25th day of November, 1930.

Present:

THE HON. SIR APIRANA NGATA, PRESIDING IN COUNCIL.

WHEREAS the Waipa County Council lately proceeded to raise a loan of four thousand seven hundred pounds under the Local Bodies' Loans Act, 1926 (hereinafter referred to as "the said Act"), for the purposes of constructing waterworks in the Te Rore Special-rating Area, including all engineering and survey charges and the cost of land, easements, machinery, plant, and labour:

And whereas the proceedings in connection with the said loan were irregular or defective in that the special-rating area constituted for the purposes of the said loan and the special roll prepared for the purposes of the said loan were ambiguous as to the inclusion or non-inclusion of a certain parcel of land in the said special-rating area and special roll, and were further irregular or defective in that the said special-rating area was, in the notices published under section ten of the said Act, described in terms that were ambiguous as to the inclusion or non-inclusion of the said parcel of land within the said special-rating area:

And whereas it appears that the said special-rating area so constituted was intended to comprise the areas set out in two several Orders in Council, each made under the Counties Act, 1920, made respectively on the ninth day of November, one thousand nine hundred and twenty-eight, and the twenty-ninth day of October, one thousand nine hundred and twenty-nine, and published respectively in the *Gazette* of the fifteenth day of November, one thousand nine hundred and twenty-eight, at page 3264, and the *Gazette* of the thirty-first day of October, one thousand nine hundred and twenty-nine, at page 2729, and that the said special roll was intended to comprise the lands included in the said respective Orders in Council:

And whereas the Governor-General is satisfied that the ratepayers of the district have not been misled by any such irregularity or defect as aforesaid, and it is expedient to validate the same:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on him by section one hundred and twenty-two of the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the consent of the Executive Council of the said Dominion, doth hereby order and declare that the proceedings in connection with the said loan shall be valid to all intents and purposes as though the special-rating area so constituted had been described so as to comprise the areas set out in the said respective Orders in Council, and as though the parcels of land comprised in the said special roll had been described so as to comprise the lands included in the said respective Orders in Council, and as though the said special-rating area had been exactly described in the said notices, and that the validity of the proceedings in connection with the said loan, or the validity of the security for the said loan, shall not be called in question by reason only of the irregularities or defects aforesaid.

A. W. MULLIGAN,

Acting Clerk of the Executive Council.

(T. 49/155/4.)

*Vesting the Control of Part of the Foreshore at Tomahawk, Otago, in the Tomahawk Domain Board.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 25th day of November, 1930.

Present:

THE HON. SIR APIRANA NGATA, PRESIDING IN COUNCIL.

WHEREAS it is enacted by section one hundred and fifty-eight of the Harbours Act, 1923 (hereinafter called "the said Act"), that where the foreshore outside the limits of a harbour is not vested in any Harbour Board or other local authority the Governor-General may, by Order in Council grant, for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit to any local authority, Domain Board, or persons acting as

trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order:

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and the Tomahawk Domain Board (hereinafter called "the Board") has applied to the Governor-General in Council for the control thereof:

And whereas it is desirable that the control should be granted to the Board:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council, doth hereby grant to the Board the control of the foreshore as described in the First Schedule hereto, and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

THAT portion of the foreshore at Tomahawk Beach commencing at the mouth of the Tomahawk Creek and extending generally southwards to the outlet of the Tomahawk Lagoon. As the same is shown, spotted brown, on plan marked M.D. 6873, and deposited in the office of the Marine Department at Wellington.

SECOND 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. In these conditions the term "foreshore" means all land between high-water mark of ordinary spring tides and low-water mark of ordinary spring tides.

3. The concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the foreshore as shown, spotted brown, on plan marked M.D. 6873, and deposited in the office of the Marine Department at Wellington.

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 out and over the said foreshore without payment.

5. Nothing herein contained shall authorize the Board to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provision of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are or may hereafter be in force.

6. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore ends of any telegraph cables that are at present or may be at any time laid down within the said area of foreshore.

7. The Board may enclose any part or parts of the foreshore described in the First Schedule hereto for the purpose of holding athletic sports or games, and may by by-law fix a charge for admission to such enclosed part or parts: Provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

8. The Board may, subject to the provisions of section 171 of the Harbours Act, 1923, erect, or license, or permit the erection of bathing-sheds or boat-sheds on the foreshore described in the First Schedule hereto, and may make by-laws regulating the use thereof, and may fix charges for such use: Provided that the funds so received shall be expended in improving the foreshore for the benefit of the public.

9. Nothing herein contained shall authorize the Board to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

10. By-laws made by the Board under the said Act in respect of the foreshore shall not have effect unless and until approved in writing by the Minister.

11. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for twenty-one years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

12. 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 Board six 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 Board in New Zealand.

A. W. MULLIGAN,

Acting Clerk of the Executive Council.