

*Fixing Dues for the Use of the Landing-stage and Shed at Kawakawa, Bay of Islands.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 11th day of June, 1934.

Present :

THE RIGHT HON. G. W. FORBES PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the sixteenth day of May, one thousand nine hundred and thirty-four, and published in the *Gazette* of the twenty-fourth day of the same month, at page 1525, and issued under the provisions of the Harbours Act, 1923 (hereinafter referred to as "the said Act"), the Northern Steamship Company, Limited (hereinafter referred to as "the company"), was licensed to occupy a part of the foreshore at Kawakawa, Bay of Islands, as a site for a landing-stage and shed :

And whereas the said company is desirous of charging dues for the use of the said landing-stage :

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 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 prescribe that the dues and rates set forth in the Schedule hereto shall be charged and taken by the company for the use of the said landing-stage.

SCHEDULE.

BERTHAGE.

For each day or part of a day that a vessel occupies a berth at the landing-stage, or alongside another vessel lying at the landing-stage, or lies off the said landing-stage with a line attached thereto, the master, owner, or agent of such vessel shall pay to the company the sum of 3d. per gross ton or part of a ton for such berth.

WHARFAGE.

Every person landing on or shipping from the said landing-stage any goods shall pay to the company the sum of 2s. 6d. per ton or part of a ton on all such goods. The company shall have the option of charging wharfage by weight or measurement, and the minimum charge for such wharfage shall be 6d.

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

*Licensing the Devonport Steam Ferry Company (Limited), to use and occupy a Part of the Foreshore and Land below Low-water Mark at Brown's Island, Hauraki Gulf, as a Site for a Wharf.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 11th day of June, 1934.

Present :

THE RIGHT HON. G. W. FORBES PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the fourteenth day of May, one thousand nine hundred and twenty, and published in the *Gazette* of the twentieth day of the same month, at page 1554, the Devonport Steam Ferry Company (Limited), of Auckland (hereinafter called "the company"), in which term is to be construed, unless the context requires a different construction, its successors or assigns, was licensed to occupy for a period of fourteen years, computed from the first day of June, one thousand nine hundred and twenty, a part of the foreshore and land below low-water mark at Brown's Island, in the Hauraki Gulf, in order to maintain thereon a wharf, erected in accordance with plan marked M.D. 2955, and deposited in the office of the Marine Department at Wellington :

And whereas the said license has expired, and the company has applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of fourteen years, and it is advisable to grant the same 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 company 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 which is particularly shown and delineated on plan M.D. 2955 so deposited as aforesaid for the purpose of maintaining thereon a wharf in accordance with the said plan, 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—  
"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 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 necessary for the maintenance of the said wharf as shown on plan M.D. 2955 so deposited as aforesaid.
3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £1, and thereafter an annual sum of £1, in advance, payable on the 1st day of April in each year, the proportionate part of such rental in respect of the period from the 1st day of June, 1934, until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.
4. All persons shall, at all reasonable times, upon payment of the proper dues, have full liberty to use the said wharf 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 without payment.
6. The company shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at the company's 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.
7. 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 registered office of the company in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring the company within a reasonable time to be therein prescribed to make good or repair the same, the company shall with all convenient speed cause such defect to be removed or such repairs to be made.
8. The master of any vessel discharging ballast at the said wharf shall have all such ballast taken away and deposited above high-water mark or at such places as may be approved by the Minister or by any person appointed by the Minister for that purpose.
9. 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, 1923, or its amendments, or any regulations made thereunder and that are now or may hereafter be in force.
10. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years from the 1st day of June, 1934, 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 previous written consent of the Minister first obtained.
11. The rights, powers, and privileges conferred under and 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 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 registered office of the company in New Zealand.