

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

BLEDISLOE, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of February, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby license and permit the Roose Shipping Company, Limited, of Mercer (hereinafter called "the company," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy all that part of the foreshore and land below low-water mark at Ngaruawahia, on the Waikato River, shown on plan marked M.D. 5277, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf and shed as shown on the said plan for a term of fourteen years computed from the seventh day of February, one thousand nine hundred and thirty-five, 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 terms—

"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 adjacent thereto necessary for the maintenance of the said wharf and shed at the site 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 £1, and thereafter an annual sum of £5 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 7th day of February, 1935, 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 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 from the wharf 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 shed 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 and shed requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company 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, 1923, or its amendments, or any regulations made thereunder and that are now or may hereafter be in force.

9. The master of all vessels discharging ballast at the said wharf shall have all such ballast taken away 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 7th day of February, 1935, 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 said 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 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.

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 the company's 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 consecutive 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 any of the said cases, this Order in Council and every right, power, or privilege may be revoked and determined by the Governor-General in Council without any notice to the company or other proceedings whatsoever ; and publication in the *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. 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 company shall, if required by the Minister so to do, remove the said wharf and shed 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 company fails so to do, the Minister may cause the said wharf and shed to be removed and the site so restored and may recover from the company the costs incurred by the said removal and restoration.

C. A. JEFFERY,
Clerk of the Executive Council.

Order in Council consenting to the Raising of a Loan of £1,100 by the Levels County Council and prescribing the Conditions thereof.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of February, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Levels County Council (hereinafter called "the said local authority") proposes, pursuant to the provisions of section three of the Main Highways Amendment Act, 1928, to borrow the sum of one thousand one hundred pounds (£1,100) by a loan to be known as "Main Highways Loan, 1935" (hereinafter called "the said loan"), for the purpose of paying its proportion of the cost of sealing the Washdyke-Pleasant Point section of the Levels County division of the Timaru-Queenstown Main Highway :

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, and in pursuance and exercise of the powers and authorities conferred on him by section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), and of all other powers and authorities enabling him in this behalf, doth hereby consent to the raising by the said local authority of the said loan for the said purpose up to the amount of one thousand one hundred pounds, and in giving such consent doth hereby determine as follows :—

(1) The term for which the said loan or any part thereof may be raised shall be seven (7) years.

(2) The rate of interest that may be paid in respect of the said loan or any part thereof shall be such as shall not produce to the lender or lenders a rate exceeding three pounds ten shillings (£3 10s.) per centum per annum.

(3) The said loan together with interest thereon shall be repaid by equal annual or half-yearly instalments extending over the term as determined in (1) above.

C. A. JEFFERY,
Clerk of the Executive Council.

(T. 49/256.)