

*Licensing the Manukau County Council to use and occupy a Part of the Foreshore and Land below Low-water Mark at Clevedon, on the Wairoa River, as a Site for a Wharf, and prescribing Dues for its use.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of April, 1937.

Present:

THE HON. P. FRASER PRESIDING 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 Manukau County Council (hereinafter called "the Council," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore and land below low-water mark at Clevedon, on the Wairoa River, shown on plan marked M.D. 3273, approved on the twenty-first day of January, one thousand nine hundred and nine, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf as shown on the said plan for a term of fourteen years computed from the twentieth day of January, one thousand nine hundred and thirty-seven, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the Council for the use of the said wharf.

FIRST 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 that part of the foreshore and land below low-water mark necessary for the maintenance of the wharf as shown on plan M.D. 3273.

3. In consideration of the concessions and privileges granted by this Order in Council, the Council shall on demand pay to the Minister an annual sum of 1s.

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

6. The Council shall maintain the above-mentioned 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; 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 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 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 regulations made thereunder, and that are now or may hereafter be in force.

9. The master of each vessel 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 by the Minister or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years from the 20th day of January, 1937, 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 said rights, powers, and privileges may be at any time resumed by the Governor-General, and the Council may be required to remove the wharf at the Council's own cost, 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 the said wharf may cause any vessel or boat to sustain through any default or neglect on the Council's part.

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 consecutive days—

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 Council or other proceedings whatsoever; and publication in the *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 rights and privileges thereby 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 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 from the Council the costs incurred by the said removal and restoration.

15. The occupation of the wharf shall be deemed to be an acceptance by the Council of the conditions of this Order in Council.

SECOND SCHEDULE.

THE master of every regular trading vessel over 5 tons register shall pay to the Council the sum of £3 3s. per annum.

THE master of every vessel other than regular traders over 5 tons register shall pay to the Council for each time of using the said wharf the sum of 3s. 6d.

A. W. MULLIGAN,

Acting Clerk of the Executive Council.

*Order in Council authorizing the Borrowing by the Waikato Hospital Board by way of Hypothecation of Debentures issued in respect of Portion (£28,000) of a Loan of £43,000.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of April, 1937.

Present:

THE HON. P. FRASER PRESIDING IN COUNCIL.

WHEREAS by Order in Council made on the twenty-first day of January, one thousand nine hundred and thirty-seven, consent was given to the raising in New Zealand by the Waikato Hospital Board (hereinafter called "the said local authority") of the sum of forty-three thousand pounds (£43,000) by a loan to be known as "Building Loan, 1937," such consent being given subject to the determinations as to borrowing and repayment therein set out (including, *inter alia*, the provision that the rate of interest that might be paid in respect of the said loan or any part thereof should be such as should not produce to the lender or lenders a rate or rates exceeding three pounds ten shillings (£3 10s.) per centum per annum);

And whereas a portion of the said loan amounting to twenty-eight thousand pounds (£28,000) (hereinafter called "the said sum") has not yet been raised: