

5. If any ship shall use the said wharf for the discharge of any goods or cargo after the usual working-hours, or on wharf holidays, such ship shall pay to the Board for the use of the said wharf a charge at the rate of 1s. per ton on all goods or cargo so discharged from such ship.

This charge will only be made when, in the opinion of the Wharfinger, it is necessary to employ labour to stack or remove cargo in sheds in consequence of the discharge of such goods or cargo as aforesaid.

PASSENGERS.

For every passenger who shall land on or be shipped from the said wharf, the sum of 6d.

GOODS STORAGE.

Any person storing goods on wharf or in shed may be charged for such goods at the following rates:—

For every package or parcel—

Not exceeding 30 lb. in weight, per day or part of a day	s. d.
Exceeding 30 lb. but not exceeding 100 lb., per day or part of a day	0 1
Exceeding 100 lb. but not exceeding 5 cwt., per day or part of a day	0 2
Exceeding 5 cwt., per day or part of a day	0 3
Exceeding 5 cwt., per day or part of a day	0 6

Storage to be charged on the expiration of twelve hours after goods have been landed on the wharf.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.

Licensing the Mount Pleasant Boating Club to use and occupy a Part of the Foreshore in the Heathcote River, Sumner Estuary, as a Site for a Boat-shed and Clubhouse.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 15th day of September, 1930.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Mount Pleasant Boating Club (who with its successors and assigns, is hereinafter referred to as "the club"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy part of the foreshore in the Heathcote River, Sumner Estuary, in order to erect and maintain thereon a boat-shed and clubhouse (hereinafter referred to as "the said structure"), to be erected in accordance with plan marked M.D. 6824, deposited in the office of the Marine Department at Wellington:

And whereas it has been made to appear to the Governor-General in Council that the work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor-General in Council:

And whereas it is desirable that a license should be granted and issued to the club under the said Act for the purposes aforesaid, 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 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 approve of the purposes or objects for which the said license is required by the club 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 club to use and occupy that part of the foreshore which is particularly shown and delineated on plan M.D. 6824 so deposited as aforesaid, for the purpose of erecting and maintaining thereon the said structure, to be in accordance with the said plan, such license to be held and enjoyed by the club upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the terms—

"Foreshore" means such part 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 occupied by the said structure as shown on plan marked M.D. 6824.

3. In consideration of the concessions and privileges granted by this Order in Council the club shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £1 in advance, payable on the 1st day of April each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st March following to be paid on the club being supplied with a copy of this Order in Council.

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, through, and out of the said structure without payment.

5. All persons shall, at all reasonable times, and upon payment of the prescribed dues, have free and full liberty to use the said structure and all rights of ingress and egress thereon and therefrom.

6. The club shall maintain the said structure in good order and repair, and shall at all times exhibit from the structure and maintain at the club'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 by the Minister.

7. Any person authorized by the Minister may at all reasonable times enter upon the said structure and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the club in New Zealand a notice in writing of any defect or want of repair in the said structure or requiring the club, within a reasonable time to be therein prescribed, to repair the same, the club shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the club to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are now or may thereafter be in force.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the date hereof unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the club shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the club may be required to remove the said structure at the club's cost, without payment of any compensation whatever, on giving to the club 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 club in New Zealand.

11. The club shall be liable for any injury which the said structure may cause any vessel or boat to sustain through any default or neglect on the club's part.

12. In case the club 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 structures for a period of thirty days;
- (3) Be in any manner wound up or dissolved; or
- (4) Fail to pay the sum specified in clause 3 of these conditions—

then, and in any 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 club or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the club 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.

13. 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 club shall, if required by the Minister so to do, remove the said structure 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 club fails so to do, the Minister may cause the said structure to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the club.

14. The erection and maintenance of the said structure shall be sufficient evidence of the acceptance by the club of the terms and conditions of this Order in Council.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.