

And whereas the said license has expired, and the licensee has applied for a further 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 licensee 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 licensee to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on plans marked M.D. 2843 and M.D. 3457, so deposited as aforesaid, for the purpose of maintaining thereon a boat slip and shed erected in accordance with the said plans: such license to be held and enjoyed by the licensee 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 boat slip and shed as shown on plans marked M.D. 2843 and M.D. 3457, so deposited as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the licensee shall pay to the Minister the sum of £1, and thereafter an annual sum of £3 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 29th day of April, 1933, until the 31st March following to be paid on the licensee 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 boat-slip and shed, and all rights of ingress and egress thereon and therefrom.

5. The licensee shall maintain the above-mentioned boat slip and shed in good order and repair, and shall, at all times, exhibit therefrom and maintain, at the licensee'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.

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

7. Nothing herein contained shall authorize the licensee 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.

8. The rights, powers, and privileges conferred by this Order in Council shall continue in force for fourteen years, computed from the 29th day of April, 1933, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. 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 licensee 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 licensee in New Zealand.

10. The licensee shall be liable for any injury which may be caused at the said boat slip and shed to any vessel or boat through any default or neglect on the part of the licensee.

11. In case the licensee 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 boat-slip and shed for a period of thirty consecutive days;
- (3) Become bankrupt or be brought under the operation of any law for the time being in force relating to bankruptcy; 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 licensee or any other proceeding whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee and to all persons concerned or interested that this Order in Council, and the license, rights, and privileges thereby conferred, have been revoked and determined.

12. 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 licensee shall, if required so to do, remove the said boat slip 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 licensee fails so to do, the Minister may cause the said boat slip and shed to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

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

Order in Council consenting to the Raising of a Loan of £87,000 by the Auckland and Suburban Drainage Board.

BLEDISLOE, Governor-General.

By his Deputy,
MICHAEL MYERS.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of April, 1933.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Auckland and Suburban Drainage Board (hereinafter called "the said local authority") is desirous of raising the sum of eighty-seven thousand pounds (£87,000), by a loan to be known as "No. 10 Loan, 1932," for the purpose of redeeming the outstanding liability in respect of a loan of one hundred thousand pounds (£100,000), maturing on the fifteenth day of November, one thousand nine hundred and thirty-two:

And whereas the said local authority, having complied with the provisions of the Local Government Loans Board Act, 1926 (hereinafter called "the said Act"), was authorized to raise the said loan by virtue of an Order in Council made on the twenty-sixth day of September, one thousand nine hundred and thirty-two:

And whereas the said local authority executed a debenture for eighty-seven thousand pounds (£87,000) in respect of the said loan, and hypothecated the same to its bankers:

And whereas the said local authority now proposes to raise the said loan in London, and it is expedient (in consequence of the passing of the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33) that a further Order in Council should be issued evidencing the consent of the Governor-General in Council under the said Act to the raising of the said loan, on the terms and conditions hereinafter set forth:

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 the said Act, 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 up to the amount of eighty-seven thousand pounds (£87,000), for a term of thirty (30) years, at such rate or rates of interest as shall not produce to the lenders a rate exceeding the rate of four pounds thirteen shillings (£4 13s.) per centum per annum, subject to the condition that the said local authority shall, before borrowing the said loan or any part thereof, make provision for the repayment thereof by establishing a sinking fund under the Local Bodies' Loans Act, 1926, and shall thereafter make to such sinking fund payments at intervals of not more than one year, at a rate or rates which shall not be less than the rate of one pound ten shillings (£1 10s.) per centum, such payments to be made in respect of every part of the said sum for the time being so borrowed and not repaid, and the first payment to be made not later than one year after the first day from which interest to the lender is computed on any moneys so borrowed.

C. A. JEFFERY,
(T. 49/393/2.) Acting Clerk of the Executive Council.