

*Fixing Sittings of the Court of Appeal.*GALWAY, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of November, 1936.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by the Judicature Amendment Act, 1913, it is enacted that the Court of Appeal shall hold its sittings at such times and places as are from time to time appointed by the Governor-General in Council and notified in the *Gazette* twenty-one days at least before the times so fixed respectively, and that such appointment shall determine the Division by which such sittings shall be held :

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, doth hereby appoint and declare that sittings of the Court of Appeal of New Zealand shall be held within the Supreme Court House, in the City of Wellington, upon the following days, at eleven o'clock in the forenoon, and doth hereby determine that such sittings shall be held by the respective Divisions of the said Court as are shown hereunder :—

Monday, the eighth day of March, one thousand nine hundred and thirty-seven : By the Second Division of the said Court.

Monday, the fourteenth day of June, one thousand nine hundred and thirty-seven : By the First Division of the said Court.

Monday, the thirteenth day of September, one thousand nine hundred and thirty-seven : By the Second Division of the said Court.

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

*Licensing Charles Staniland West to use and occupy a Part of the Foreshore at Helensville, Kaipara Harbour, as a Site for Dolphins.*

GALWAY, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of November, 1936.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called "the said Act"), Charles Staniland West (hereinafter called "the licensee," in which term is to be construed, unless the context requires a different construction, his executors, administrators, or assigns) has applied to the Governor-General in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark at Helensville, Kaipara Harbour, as a site for dolphins to be erected in accordance with plan marked M.D. 7456 (two sheets), deposited in the office of the Marine Department at Wellington, and showing the area of foreshore intended to be occupied :

And whereas it has been made to appear that the said dolphins will not be or tend to the injury of navigation ; and it is expedient that a license should be granted to the licensee under the said Act for the purpose aforesaid :

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 immediately contiguous thereto, which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of using the dolphins aforesaid in connection therewith, 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 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 dolphins at the site shown on the plan marked M.D. 7456 (two sheets).

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 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 October, 1936, until the 31st day of March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, over, and out of the said dolphins without payment.

5. The licensee shall maintain the above-mentioned dolphins 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 dolphins 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 dolphins, requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all reasonable 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 or under this Order in Council shall continue in force for fourteen years from the 1st day of October, 1936, 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 written consent of the Minister first obtained.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the dolphins at the licensee's own cost, 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 the said dolphins may cause any vessel or boat to sustain through any default or neglect on the licensee's part.

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 dolphins for a period of thirty consecutive days ;

(3) Fail to pay the sums specified in clause 3 of these conditions ;

(4) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy—

then, and in any of the said cases, this Order in Council and every license, right, power, or privilege thereby conferred may be revoked and determined by the Governor-General in Council without any notice to the licensee or other proceedings 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 granted and 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 by the Minister so to do, remove the said dolphins 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 licensee fails so to do, the Minister may cause the said dolphins to be removed and the site so restored, and may recover from the licensee the costs incurred by the said removal and restoration.

13. The occupation of the said dolphins shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

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