

Extending Time preventing Persons from applying for Receiver, &c., for Thames Harbour Board Loans.

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.

IN pursuance and exercise of the powers and authorities conferred on him by section ten of the Thames Harbour Board Loans Adjustment Act, 1932-33, and of all other powers and authorities enabling him in that behalf, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby further extend until the thirty-first day of October, one thousand nine hundred and thirty-seven, the time within which no person shall take any steps to enforce payment of the principal or interest of any of the loans referred to in the said section ten or any part of any such loans.

A. W. MULLIGAN,

Acting Clerk of the Executive Council.

(I.A. 1933/120/4.)

Licensing the Salvation Army to use and occupy a Part of the Foreshore and Land below Low-water Mark at Pakatoa Island, Firth of Thames, as a Site for a Wharf, and revoking Order in Council of the 1st February, 1924.

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 Salvation Army (hereinafter called "the licensee," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy a part of the foreshore and land below low-water mark on Pakatoa Island, Firth of Thames, as shown on plan marked M.D. 7572, 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 first day of April, one thousand nine hundred and thirty-seven, such license to be held and enjoyed by the licensee upon and subject to the terms and conditions set forth in the Schedule hereto, and doth revoke the Order in Council dated the first day of February, one thousand nine hundred and twenty-four, and published in the *Gazette* of the fourteenth day of the same month, at page 492.

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. 7572.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall, on being supplied with a copy thereof, pay to the Minister an annual sum of 1s. payable on demand.

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 licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom and maintain at the licensee'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 licensee in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. 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.

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 1st day of April, 1937, 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.

11. 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 wharf 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.

12. The licensee 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 licensee's part.

13. 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 wharf for a period of thirty consecutive days;
- (3) Fail to pay the sum specified in clause 3 of these conditions; or
- (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 right, power, or privilege 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 right 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 licensee 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 licensee fails so to do, the Minister may cause the said wharf to be removed and the site so restored, and may recover from the licensee the costs incurred by the said removal and restoration.

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

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