

*Consenting to the Borrowing of Moneys by the Greymouth Fire Board by way of Bank Overdraft.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of November, 1937.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Greymouth Fire Board (hereinafter called "the said local authority") being desirous of borrowing the sum of seven hundred pounds (£700) by way of bank overdraft under the provisions of section thirty-one of the Fire Brigades Act, 1926, by a loan to be known as "Fire Engine Loan, 1937" for the purpose of purchasing a new fire-engine with the necessary accessories has complied with the provisions of the Local Government Loans Board Act, 1926 (hereinafter called "the said Act"), and it is expedient that the precedent consent of the Governor-General in Council as required by the said Act should be given to the borrowing as aforesaid :

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 section eleven of the said Act, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), and of all other powers and authorities enabling him in this behalf, doth hereby consent to the borrowing of moneys by the said local authority by way of bank overdraft under the said section thirty-one up to the amount of seven hundred pounds (£700), and in giving such consent doth hereby determine as follows :—

- (1) The term for which such moneys or any part thereof may be borrowed shall not exceed five (5) years.
- (2) The rate of interest payable from time to time shall not exceed the current bank overdraft rate of interest to best customers.
- (3) The moneys so borrowed shall be repaid by annual payments of not less than one hundred and forty pounds (£140).
- (4) No moneys shall be borrowed under this authority after the expiration of two years from the date hereof.

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

(Ty. 49/871.)

*Licensing A. G. Frankham, Ltd., to use and occupy a Part of the Foreshore and Land below Low-water Mark at Kohukohu, Hokianga River, as a Site for a Boat-shed and Slip.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of November, 1937.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 A. G. Frankham, Ltd. (hereinafter called "the company," 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 at Kohukohu, Hokianga River, as shown on plan marked M.D. 3382, approved on the fifth day of October, 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 boat-shed and slip (hereinafter referred to as "the said structures") as shown on the said plan, for a term of fourteen years computed from the fifth day of September, one thousand nine hundred and thirty-seven, such license to be held and enjoyed by the company 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 and 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 said structures as shown on plan M.D. 3382.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £1, and thereafter an annual sum of £2 10s. 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 5th day of September, 1937, until the 31st day of March following to be paid on the company being supplied with a copy of this Order in Council.

4. All persons shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the said structures 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 structures without payment.

6. The company shall maintain the above-mentioned structures in good order and repair, and shall at all times exhibit therefrom, and maintain at the company's own cost, suitable and necessary lights : Provided that no light shall be exhibited until it has been approved of by the Minister.

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

8. Nothing herein contained shall authorize the company 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 structures 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 5th day of September, 1937, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority ; and the company 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 company may be required to remove the said structures at the company's own cost, without payment of any compensation whatever, on giving to the company 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 registered office of the company in New Zealand.

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

13. In case the company 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 consecutive days ;

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

- (4) Be in any manner wound up or dissolved—

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 company or other proceedings whatsoever ; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company 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 company shall, if required by the Minister so to do, remove the said structures 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 company fails so to do, the Minister may cause the said structures to be removed and the site so restored, and may recover from the company the costs incurred by the said removal and restoration.

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

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