

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 occupied by the said cattle-race as shown on plan marked M.D. 5821.
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 £1 in advance, payable on the first day of April in each year, the proportionate part of such rental in respect of the period from the 13th day of May, 1938, until the 31st day of 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 cattle-race and all rights of ingress and egress thereon 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, and out of the said cattle-race without payment.
6. The licensee shall maintain the above-mentioned cattle-race in good order and repair and shall at all times exhibit from the said cattle-race 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 of by the Minister.
7. Any person authorized by the Minister may, at all reasonable times, enter upon the said cattle-race 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 cattle-race 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 13th day of May, 1938, 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.
10. The said rights, powers, and privileges conferred under or 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.
11. The licensee shall be liable for any injury which the said cattle-race may cause any vessel or boat to sustain through any default or neglect on the licensee's part.
12. 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 cattle-race 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 sum 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 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.
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 licensee shall, if required by the Minister so to do, remove the said cattle-race 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 cattle-race to be removed and the site so restored and may recover from the licensee the costs incurred by the said removal and restoration.

14. The occupation of the said cattle-race 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.

Consenting to the Raising of a Loan of £2,500 by the Morrinsville Fire Board and prescribing the Conditions thereof.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 1st day of June, 1938.

Present:

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

WHEREAS by Orders in Council made on the twenty-second day of October, one thousand nine hundred and thirty-six, and the twenty-third day of December, one thousand nine hundred and thirty-six, and subject to the determinations as to borrowing and repayment therein set out, consents were given to the raising in New Zealand by the Morrinsville Fire Board (hereinafter called “the said local authority”) of sums of one thousand nine hundred and fifty pounds (£1,950) and five hundred and fifty pounds (£550) respectively by loans to be known as “Station and Equipment Loan, 1936, No. 1” and “Station and Equipment Loan, 1936, No. 3” respectively:

And whereas the authorities conferred by the said Orders in Council have not yet been exercised:

And whereas the said local authority is desirous of raising the loans in one sum of two thousand five hundred pounds (£2,500) by a loan to be known as “Station and Equipment Loan, 1938” (hereinafter called “the said loan”), and it is expedient that the precedent consent of the Governor-General in Council as required by section eleven of the Local Government Loans Board Act, 1926, should be given to the raising of the said loan:

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 Local Government Loans Board Act, 1926, 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 raising in New Zealand by the said local authority of the said loan up to the amount of two thousand five hundred pounds (£2,500), and in giving such consent doth hereby determine as follows:—

(1) The term for which the said loan or any part thereof may be raised shall not exceed ten (10) years.

(2) The rate of interest that may be paid in respect of the said loan or any part thereof shall be such as shall not produce to the lender or lenders a rate exceeding three pounds ten shillings (£3 10s.) per centum per annum.

(3) The said loan or any part thereof, together with interest thereon, shall be repaid as follows:—

(a) By twenty equal payments of seventy-five pounds eight shillings and ninepence (£75 8s. 9d.), one of such payments to be made at the end of every half-year commencing from the date on which the said loan is raised. Each such half-yearly payment shall be applied firstly in payment of interest computed at the rate of three pounds ten shillings (£3 10s.) per centum per annum on the amount of principal for the time being outstanding at the beginning of each such half-year, and the balance of such half-yearly payment in reduction of such principal.

(b) By a payment at the end of the tenth year from the date of the raising of the said loan of a sum equal to the amount to which the principal has been reduced in accordance with the preceding paragraph (a) hereof after payment of the aforesaid twenty (20) half-yearly payments.

(4) The payment of such instalments shall be made in New Zealand and no instalments shall be paid out of loan-moneys.

(5) The rate payable for brokerage, underwriting, and procuration fees in respect of the raising of the said loan or any part thereof shall not in the aggregate exceed one-half per centum of any amount raised.

(6) No moneys shall be borrowed under this consent after the expiration of two years from the date hereof.

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

(T. 49/661/1.)