

Licensing Alfred Berridge to Use a Part of the Foreshore and Land below Low-water Mark at Rawene, Hokianga Harbour, as a Site for a Shop.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of September, 1929.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the twenty-fifth day of March, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette*, No. 45, of the first day of the following month, the Hokianga Meat Supply Company, Ltd., was licensed to use and occupy a part of the foreshore and land below low-water mark at Rawene, Hokianga Harbour, as a site for a shop, erected thereon in accordance with plan marked M.D. 4402, and deposited in the office of the Marine Department at Wellington, for a term of fourteen years from the twenty-fifth day of March, one thousand nine hundred and fifteen :

And whereas the said license was subsequently, with the consent of the Minister of Marine, transferred to Alfred Berridge and Eleanor Mary Hilford :

And whereas the said Alfred Berridge (who with his executors, administrators, and assigns is hereinafter referred to as "the licensee") has applied for a fresh 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 :

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 on which the said shop is erected, as shown on the plan so deposited as aforesaid, for the purpose of maintaining the said shop : 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—

"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 :

"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.

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 erection of the said shop as shown on the plan marked M.D. 4402, and deposited in the office of the Marine Department 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 £2 10s., and thereafter an annual sum of £5, in advance, payable on the first day of April in each year, the first of such annual payments 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 shop without payment.

5. The licensee shall maintain the above-mentioned shop in good order and repair.

6. Any person authorized by the Minister may at all reasonable times enter upon the said shop 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 shop, requiring the licensee within a reasonable time, to be therein prescribed, to repair the shop, the licensee shall with all reasonable speed cause such defects 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 25th day of March, 1929, 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 shop 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 shop 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 shop for a period of thirty days :

(3) Fail to pay the sums 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 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 whatever ; and publication in the *New Zealand 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 shop 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 shop to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

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

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

White-backed Magpie absolutely protected.

CHARLES FERGUSSON, Governor-General.

IN pursuance of the powers conferred on me by section three of the Animals Protection and Game Act, 1921-22, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, do hereby declare that as on and from the date hereof, the bird known as the white-backed magpie (*gymnorhina leuconota*) shall be deemed to be included in the First Schedule of the said Act.

As witness the hand of His Excellency the Governor-General, this 7th day of September, 1929.

P. A. DE LA PERRELLE,
Minister of Internal Affairs.

(I.A. 25/35.)

Recreation Reserve in the Wellington Land District vested in the Corporation of the Borough of Masterton.

CHARLES FERGUSSON, Governor-General.

WHEREAS by Warrant dated the thirtieth day of January, one thousand nine hundred and seven, and published in the *Gazette* of the seventh day of February of that year, the purpose of the reserve described in the Schedule hereto was changed from a reserve for primary education to a reserve for public recreation, in terms of section thirty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1906 : And whereas it is expedient that the said reserve should be vested in the Corporation of the Borough of Masterton ;