

Licensing James William Peterson Thomson to use and occupy Parts of the Foreshore of Pegasus Harbour, Stewart Island, as a Site for a Boat-shed and Fish-freezing Buildings.

BLDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 25th day of November, 1930.

Present :

THE HON. SIR APIRANA NGATA, PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, James William Peterson Thomson, of Half-moon Bay (who, with the executors, administrators, and assigns, is hereinafter referred to as "the licensee"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to occupy parts of the foreshore of Pegasus Harbour, Stewart Island, in order to maintain thereon a boat-shed and fish-freezing buildings, hereinafter referred to as "the said structures"), erected in accordance with plan marked M.D. 4605, deposited in the office of the Marine Department at Wellington :

And whereas it has been made to appear to the Governor-General in Council that the work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor-General in Council :

And whereas it is desirable that a license shall be granted and issued to the licensee under the said Act for the purposes aforesaid, on the terms and conditions hereinafter expressed :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon 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 purposes or objects 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 those parts of the foreshore which are particularly shown and delineated on plan M.D. 4605, so deposited as aforesaid, for the purpose of maintaining thereon the said structures erected in accordance with the said plan, 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 part 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 those parts of the foreshore occupied by the said structures as shown on plan marked M.D. 4605.

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 £1 in advance, payable on the 1st day of April each year.

4. 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 structures without payment.

5. All persons shall, at all reasonable times, and upon payment of the prescribed dues, have free and full liberty to use the said structures, and all rights of ingress and egress thereon and therefrom.

6. The licensee shall maintain the said structures in good order and repair, and shall at all times exhibit from the structures 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.

7. Any person authorized by the Minister may at all reasonable times enter upon the said structures or either of them 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 the said structures or either of them, 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 with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are now or may thereafter be in force.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 8th day of May, 1930, 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 may be any time resumed by the Governor-General, and the licensee may be required to remove the said structures or either of them at the licensee's 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.

11. The licensee shall be liable for any injury which either of the said structures 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 either of them ;
- (2) Cease to use or occupy the said structures or either of them for a period of thirty days ;
- (3) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being 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 license, right, power, or privilege, may be revoked and determined by the Governor-General in Council, without any notice to the licensee or other proceeding whatsoever ; 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.

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 structures or either of them entirely from the sites, and restore the sites to their 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 structures or either of them to be removed and the sites so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

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

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

Licensing Paul Spender to use and occupy a Part of the Foreshore at Rawene, Hokianga Harbour, as a Site for a Shop.

BLDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 25th day of November, 1930.

Present :

THE HON. SIR APIRANA NGATA, PRESIDING IN COUNCIL.

WHEREAS, by Order in Council dated the ninth day of October, one thousand nine hundred and sixteen, and published in the *New Zealand Gazette*, No. 116, of the twelfth day of the same month, William John Francis Constable was licensed to use and occupy part of the foreshore at Rawene, Hokianga Harbour, in order to maintain thereon a shop (hereinafter referred to as "the said structure"), erected in accordance with the plan marked M.D. 4678, in triplicate, and in the position shown as Section No. 2 on the plan M.D. 4462, and deposited in the office of the Marine Department at Wellington :