

requires a different construction), to use and occupy all those parts of the foreshore in Tory Channel, as shown on plan marked M.D. 5773, approved on the eighteenth day of February, one thousand nine hundred and twenty-four, and deposited in the office of the Marine Department at Wellington, for the purpose of reclaiming land as shown on 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 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 and land adjacent thereto necessary for the said reclamation at the site shown on the plan marked M.D. 5773.

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 £3 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 18th day of February, 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. 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 reclamation without payment.

5. The licensee shall keep any retaining-wall which the licensee may construct for the purpose of reclaiming the land included in this license in good order and condition, and shall provide and maintain all necessary outlets for storm-water.

6. The licensee shall keep the land included in this license free from noxious weeds.

7. Any person authorized by the Minister may at all reasonable times enter upon the said reclamation 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 reclamation requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all reasonable 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 regulations 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 until the 29th day of March, 1940, 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 at any time resumed by the Governor-General, and the licensee may be required to remove any structures on the reclamation 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.

##### 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 reclamation for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (4) Become bankrupt or be in any manner brought under the operation of any Act 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

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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.

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 any 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 licensee fails so to do, the Minister may cause any structures to be removed and the site so restored, and may recover from the licensee the costs incurred by the said removal and restoration.

13. The occupation of the said reclamation 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.

#### *Variation of Order in Council prohibiting Alienation of certain Native Lands or Lands owned by Natives.*

GALWAY, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of February, 1938.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section one hundred and sixty-seven of the Native Land Act, 1931, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby vary an Order in Council made on the fourth day of April, one thousand nine hundred and thirty-two, and published in the *Gazette* on the seventh day of April, one thousand nine hundred and thirty-two, at page 735, and affecting Hauturu East B 2, Section 2A 1A and other blocks, by excluding therefrom the land described in the Schedule hereto.

#### SCHEDULE.

Block.	Area:		Survey District.
	A.	R. P.	
Hauturu East 1E 5C 2A 2A No. 3	9	1 37	Orahiri.

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

#### *Extension of Time for Preparation of Ratepayers' List for Te Rapa Drainage District.*

GALWAY, Governor-General.

#### ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of March, 1938.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is provided, *inter alia*, by section six of the Land Drainage Act, 1908 (hereinafter referred to as “the said Act”), that the Returning Officer of every Drainage Board shall, on or before the thirty-first day of January in every year in which a triennial general election is to be held, cause to be made out a list, to be called the “ratepayers' list,” containing the particulars prescribed by section six of the said Act:

And whereas the ratepayers' list (hereinafter referred to as “the said list”) in respect of the Te Rapa Drainage District for the year now current was not made out within the prescribed time:

And whereas it is desirable to extend the time for making out the said list:

Now, therefore, His Excellency the Governor-General, in pursuance and exercise of the powers and authorities conferred on him by the said Act, as amended by section twenty-two of the Land Drainage Amendment Act, 1922, 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, doth hereby extend until the fifteenth day of March, one thousand nine hundred and thirty-eight, the time for making out the said list.

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

(I.A. 103/129.)