



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF

THURSDAY, SEPTEMBER 26, 1889.

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WELLINGTON, FRIDAY, SEPTEMBER 27, 1889.

Regulations for Trout- and Perch-fishing, Otago District.

ON SLOW, Governor.

ORDER IN COUNCIL

At the Government Buildings, at Wellington, this twenty-fourth day of September, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

IN pursuance of the powers and authorities vested in him by "The Fisheries Conservation Act, 1884," His Excellency the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, doth hereby make the following regulations for all that area in the Provincial District of Otago bounded on the east and south by the ocean, from Shag Point to the mouth of the Maitaura River; on the north-west by Lake County; on the west and south-west by the Maitaura River; and on the north, north-west, and north-east by the Counties of Westland and Waitaki, and the waters thereof; and doth hereby declare that these regulations shall, as from the publication of the date thereof in the *New Zealand Gazette*, supersede all regulations at variance therewith.

REGULATIONS.

1. LICENSES to fish for trout and perch in all the waters within and forming the boundaries of the following districts—viz: All that area in the Provincial District of Otago bounded on the east and south by the ocean, from Shag Point to the mouth of the Maitaura River; on the west and south-west by the Maitaura River; on the north-west by Lake County; and on the north, north-west, and north-east by the Counties of Westland and Waitaki—will be issued under the hand of the Secretary of the Otago Acclimatisation Society (hereafter termed "the said society"), at Dunedin, and for every such license a fee of twenty shillings will be charged: Provided that it shall not be obligatory upon the Secretary to issue a license.

2. Every such license shall entitle the person named therein to fish for trout in any of the waters within the above-mentioned area from the first day of October in any one year to the fifteenth day of April in the year following, inclusive, between the hours of four a.m. and ten p.m. only, and to fish for perch from the fifteenth day of December in any one year to the fifteenth day of April in the year follow-

ing, inclusive, between the hours of four a.m. and ten p.m. only; but no such license shall confer any right of entry upon the land of any person without his consent.

3. No person shall fish for, take, catch, or kill, or have in his possession, or attempt to fish for, take, catch, or kill, in any manner whatever, any of the salmonidæ, trout, or perch, except during the above-mentioned periods for such fish respectively.

4. Every such license shall entitle the person named therein to fish with one rod and line only, and with the following baits: Natural or artificial fly, natural or artificial minnow, silveries, bullies, grasshoppers, spiders, caterpillars, creepers, and worms.

5. No person shall use any other bait, or any method, device, or contrivance of any sort or kind whatever, for the purpose of fishing for, taking, catching, or killing trout or perch, except a rod and line, and a landing-net or gaff for fish taken with rod and line, except as hereinafter provided.

6. No cross-line fishing, stroke-hauling, or any other un-sportsmanlike device shall be used for the purpose of taking, catching, or killing trout or perch; nor shall any of the baits above mentioned be used with any medicated or chemical preparation whatever.

7. No person shall fish without a license, and every person fishing shall, on demand of any ranger, constable, member of the said society, or person producing a license, produce and show to such ranger, member, constable, or person his license and the contents of his creel or bag, and the bait, used by him for taking, catching, or killing trout or perch.

8. Every trout not exceeding eight inches in length, and every perch not exceeding six inches in length, from nose to tip of tail, taken or caught by any person, shall immediately be returned alive into the water from which the same is taken.

9. No person shall put, throw, or place, or allow to be put, thrown, or placed, into any of the said waters, any sawdust or sawmill refuse, or anything of any kind or description whatever poisonous, deleterious, or noxious to fish.

10. No person shall take, fish for, catch, or kill, in any manner whatever, or have in his possession, any salmon, salmon-parr, or smolts, or the ova, young, or fry of any salmon, in any stage whatever; and any of the above-named taken by accident or otherwise shall immediately be returned alive to the water from whence they were taken.

11. Licenses to sell trout and perch may be issued under the hand of the Secretary of the said society, and for every such license a fee of twenty shillings will be charged.

No person other than the holders of such licenses shall sell, or expose or offer for sale, within the district to which these regulations relate, any of the salmonidæ, trout, or perch.

12. No person shall put, throw, drag, draw, or place, or allow to be put, thrown, dragged, drawn, or placed, for any purpose whatever, any net of any description (except a landing-net) in any of the waters hereinbefore mentioned, or at the mouth or entrance of any such waters, except as provided in clause 13 of these regulations.

13. Licenses to use a seine-net for the taking of brown and salmon-trout in the waters of Otago Harbour, Blueskin Bay, and Waihola Lake may be issued by the said society at a fee of three guineas for each net.

No net with a mesh of less than four and a half inches shall be used; and stake or fixed nets are hereby expressly prohibited.

Nothing in this regulation shall in any way affect the provisions of clause 10.

14. The penalty for the breach of any of these regulations shall not be less than forty shillings or more than fifty pounds.

ALEX. WILLIS,
Clerk of the Executive Council.

Licensing F. W. Matthews to use and occupy a Part of the Foreshore of Kaipara Harbour.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-fourth day of September, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

WHEREAS by "The Harbours Act Amendment Act, 1883" (hereinafter called "the said Act"), it is, among other things, enacted that, where the foreshore has been legally vested in any Harbour Board or other local governing body, it may from time to time, subject to the provisions of the one hundred and fifty-sixth section of "The Harbours Act, 1878," license and permit any part of the foreshore to be used or occupied, *inter alia*, for the erection and use of any landing-place or wharf: And whereas by the said Act it is also provided that every licensee shall, subject to the provisions of the said Act, have power to make and construct any necessary reclamation for the purpose of erecting on the foreshore comprised in his license, or upon any land below low-water mark immediately contiguous to such foreshore which shall be specified in such license, any building, structure, erection, or other works, to enable him to obtain the full benefit of such license: And whereas by the said Act it is further provided that every such license shall be in writing under the seal of the Board or body granting the same, and may be for any period not exceeding fourteen years from the date thereof, and may prescribe a sum of money to be payable either at stated periods or on or before the granting thereof for the use of the foreshore so granted, and may prescribe any other terms or conditions, general or particular, to be observed or performed by the person to whom the same is granted: And whereas by the said Act it is also enacted that, in any case where there is no Harbour Board, or no Harbour Board empowered to grant any such license as aforesaid, the Governor in Council may in his discretion grant and issue a license for all or any of the purposes hereinbefore mentioned, and all the provisions of the said Act in respect of such licenses shall, *mutatis mutandis*, apply accordingly: And whereas there being no Harbour Board empowered to grant the license hereinafter mentioned, Frederick William Matthews, of Mangawhare (hereinafter called "the licensee"), has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and the land below low-water mark immediately contiguous to such foreshore near Te Kopuru, on the Wairoa River, in Kaipara Harbour, in order to erect and maintain thereon a wharf; and, in accordance with the one hundred and fifty-sixth section of "The Harbours Act, 1878," has deposited plans in the office of the Marine Department, at Wellington (marked M.D. 1514 and 1515), showing the manner in which it is proposed to construct such wharf, the place where it is intended to erect the same, and the area of foreshore or land below low-water mark intended to be occupied for such purpose: And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation; and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council, without modification or addition: And whereas it is expedient that a license should be granted and issued to the licensee under the said Act, for the purpose aforesaid, on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor of the Colony

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 by and with the advice and consent of the Executive Council of the said colony, 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 of the land below low-water mark immediately contiguous thereto which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of constructing or erecting thereon a wharf, such license to be held and enjoyed by the licensee upon and subject to the following terms and conditions, that is to say,—

1. The concessions and privileges conferred by this Order in Council shall extend and apply only to the parts of the foreshore and of the land below low-water mark necessary for the erection of such wharf, as shown on the plan marked M.D. 1514, and deposited in the office of the Marine Department as aforesaid.

2. In consideration of the concessions and privileges granted by this Order in Council the licensee shall, on being supplied with a copy thereof, pay to the Minister the sum of five pounds, and thereafter an annual sum of three pounds payable on the first day of October, dating from the first day of October, one thousand eight hundred and eighty-nine.

3. All Her Majesty's subjects shall at all reasonable times, upon payment of the proper dues, have free and full liberty to use the wharf, and all rights of ingress and egress thereon and therefrom.

4. That Her Majesty, or the Governor, 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 wharf without payment.

5. The licensee shall complete the erection of the wharf, in accordance with the approved plans marked M.D. 1514 and 1515, within eighteen calendar months from the date of this Order in Council.

6. The licensee shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom, and maintain at his 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 authorised by the Minister may, at all reasonable times, enter upon the said wharf and view the state of repairs thereof; and that upon such Minister leaving at or posting to the last known address of the licensee a notice in writing of any defect or want of repair in such wharf, requiring him within a reasonable time, to be therein prescribed, to repair the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorise 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 Commissioner of Trade and Customs, or with any provisions of "The Harbours Act, 1878," or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

9. The ballast of all vessels loading at the said wharf shall be taken away by the licensee, and deposited above high-water mark, or at such place as may be approved of by the Harbourmaster for the Port of Kaipara, or by the Minister, or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years, 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 previous written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor, without payment of any compensation whatever, on giving to the licensee six 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.

12. The licensee shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on his part.

13. 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 wharf;
- (3.) Become bankrupt or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy;
- (4.) Fail to pay the sums specified in clause two of these conditions; or

(5.) Die during the subsistence of the license hereby granted, 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 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.

14. In these conditions the term "Minister" means the Minister having charge of the Marine Department, as defined by "The Shipping and Seamen's Act, 1877," and includes any officer, person, or authority acting by or under the direction of such Minister.

ALEX. WILLIS,
Clerk of the Executive Council.

Closing old Cemetery at Woodville, County of Waipawa.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-fourth day of September, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

WHEREAS it appears to the Governor that burials in the cemetery in the Borough of Woodville, described in the Schedule hereto, should be wholly discontinued: And whereas a sufficient cemetery not within the limits of any borough or town district has been provided and has been prepared for the interment of the dead as required by "The Cemeteries Act, 1882:"

Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony of New Zealand, and in pursuance of the authorities vested in him by the said "Cemeteries Act, 1882," doth hereby order and direct that, from and after the first day of April, one thousand eight hundred and ninety, burials within the cemetery in the Borough of Woodville, described in the aforesaid Schedule, shall be wholly discontinued; and further that the said cemetery or burial-ground shall, from and after the said first day of April, one thousand eight hundred and ninety, be vested in the Mayor, Councillors, and Burgess of the Borough of Woodville, under the provisions and for the purposes of the seventy-ninth section of the said "Cemeteries Act, 1882."

SCHEDULE.

ALL that parcel of land in the Provincial District of Hawke's Bay, containing by admeasurement 5 acres more or less, being part of Section No. 14, Block IV., Woodville Survey District. Bounded towards the south by the main road from Woodville to Napier, 500 links; towards the west by the road-line forming the western boundary of Section No. 14 aforesaid, 985 links; and towards the north and east by the other portion of Section No. 14 aforesaid, 499 and 1022 links respectively.

ALEX. WILLIS,
Clerk of the Executive Council.

Appointing Dates and Places for Payment of Property-tax.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-fourth day of September, 1889.

Present:

THE HONOURABLE THE PREMIER PRESIDING IN COUNCIL.

IN pursuance of the power and authority vested in him under "The Property-tax Act, 1889," His Excellency the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, doth hereby order and direct that the several duties leviable under the said Act shall be paid on the days and in the manner hereinafter particularly mentioned, that is to say,—

1. In respect of the duty of one penny, where the amount of such duty shall be under fifteen pounds, the same shall be paid on the twenty-ninth day of November, one thousand eight hundred and eighty-nine; and where such duty amounts to fifteen pounds, or exceeds that sum, the same shall be paid in two equal instalments, the first of such instalments being payable on the said twenty-ninth day of November, and the second of such instalments on the fifth day of February, one thousand eight hundred and ninety.

2. In respect of the duty on fire, marine, accident, fidelity, live-stock, plate-glass, or guarantee policies, issued by any insurance company, the same shall be paid on the fifth day of March, one thousand eight hundred and ninety.

And doth also direct that the places where the said tax shall be paid shall be any post office which is also a money-order office, and at the office of the Property-tax Commissioner, at the Government Buildings, Wellington; and that notice to the foregoing effect shall be given by the said Commissioner accordingly.

ALEX. WILLIS,
Clerk of the Executive Council.

By Authority: GEORGE DICKSBURY, Govt. Printer, Wellington.

