

8. Nothing herein contained shall authorize the Company 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 masters of all vessels discharging ballast at the said wharf shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved of 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 from the 10th day of November, 1939, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Company shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the Company may be required to remove the said wharf at the Company's own cost, without payment of any compensation whatever, on giving to the Company 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 registered office of the Company in New Zealand.

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

13. In case the Company 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 for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (4) Be in any manner wound up or dissolved—

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 Company or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Company 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 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 Company shall, if required by the Minister so to do, remove the said wharf 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 Company fails so to do, the Minister may cause the said wharf to be removed and the site so restored, and may recover from the Company the costs incurred by the said removal and restoration.

15. The occupation of the said wharf shall be sufficient evidence of the acceptance by the Company of the terms and conditions of this Order in Council.

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

Appointing Members of the First and Second Divisions of the Court of Appeal.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 15th day of November, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section five of the Judicature Amendment Act, 1913, it is enacted that the Court of Appeal shall consist of two divisions, to be called respectively the First Division and the Second Division of the Court of Appeal; and that each division shall consist of five Judges of the Supreme Court, to be appointed to that division by the Governor-General in Council:

And whereas the power conferred by the said first-mentioned Act upon the Governor-General in Council of appointing Judges as members of either division, or of revoking any such appointment, shall be exercisable on the recommendation of not less than three Judges of the Supreme Court (of whom the Chief Justice shall be one), and not otherwise:

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And whereas the Right Honourable the Chief Justice, the Honourable Mr. Justice Ostler, the Honourable Mr. Justice Blair, the Honourable Mr. Justice Smith, and the Honourable Mr. Justice Johnston have recommended that the two divisions of the Court of Appeal for the year one thousand nine hundred and forty shall be constituted as shown hereafter:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in exercise of the powers conferred by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby appoint

The Right Honourable Sir Michael Myers, G.C.M.G.,
Chief Justice,

The Honourable Archibald William Blair, Judge,

The Honourable Robert Kennedy, Judge,

The Honourable John Bartholomew Callan, Judge, and

The Honourable Erima Harvey Northcroft, Judge,

to be the members of the First Division of the Court of Appeal; and

The Right Honourable Sir Michael Myers, G.C.M.G.,
Chief Justice,

The Honourable Sir Henry Hubert Ostler, Kt., Judge,

The Honourable David Stanley Smith, Judge,

The Honourable Harold Featherston Johnston, Judge, and

The Honourable Arthur Fair, Judge,

to be the members of the Second Division of the Court of Appeal for the year one thousand nine hundred and forty.

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

The South-eastern side of Portion of Fell Street, and the North-eastern Side of Portion of Vickerman Street, in the County of Marlborough, exempted from the Provisions of Section 128 of the Public Works Act, 1928, subject to a Condition as to the Building-line.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 22nd day of November, 1939.

Present:

THE HON. W. NASH PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, 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, doth hereby approve of the following resolution passed by the Marlborough County Council on the thirteenth day of October, one thousand nine hundred and thirty-nine, viz.:

"The Marlborough County Council, having control of the streets known as Fell Street and Vickerman Street, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to the portions of the said streets fronting Lots 1, 2, 16, 17, and 18 of Section 35, District of Wairau West, being the land contained in Certificates of Title, 28/86 and 28/141, the frontages being 834 links along Fell Street, 1333 links and 667 links along Vickerman Street";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the south-eastern side of the portion of Fell Street or the north-eastern side of the portion of Vickerman Street (described in the Schedule hereto) within a distance of thirty-three feet from the centre-lines of the said portions of roads.

SCHEDULE.

THE south-eastern side of all that portion of road situated in the Marlborough Land District, County of Marlborough, known as Fell Street, fronting Lots 1, 2, and 16 of Section 35, District of Wairau West.

Also the north-eastern side of all that portion of road situated in the said land district and county known as Vickerman Street, fronting Lots 16, 17, and 18 of Section 35, District of Wairau West.

As the same are more particularly delineated on the plan marked P.W.D. 104355, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured red.

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

(P.W. 51/2460.)