

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

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of November, 1948

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 Act upon the Governor-General in Council of appointing Judges as members of either division, or 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:

And whereas the Right Honourable the Chief Justice, the Honourable Mr. Justice Kennedy, the Honourable Mr. Justice Finlay, the Honourable Mr. Justice Gresson, and the Honourable Mr. Justice Hutchison have recommended that the two divisions of the Court of Appeal for the year one thousand nine hundred and forty-nine 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 Humphrey Francis O'Leary, K.C.M.G.,  
Chief Justice,

The Honourable Robert Kennedy, Judge,  
The Honourable George Panton Finlay, Judge,  
The Honourable Kenneth Macfarlane Gresson, Judge, and  
The Honourable James Douglas Hutchison, Judge,

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

The Right Honourable Sir Humphrey Francis O'Leary, K.C.M.G.,  
Chief Justice,

The Honourable John Bartholomew Callan, Judge,  
The Honourable Erima Harvey Northcroft, Judge,  
The Honourable Henry Havelock Cornish, Judge, and  
The Honourable Joseph Stanton, Judge,

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

T. J. SHERRARD, Clerk of the Executive Council.

*Fixing Sittings of the Court of Appeal*

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of November, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by the Judicature Amendment Act, 1913, it is enacted that the Court of Appeal shall hold its sittings at such times and places as are from time to time appointed by the Governor-General in Council and notified in the *Gazette* twenty-one days at least before the times so fixed respectively, and that such appointment shall determine the division by which such sittings shall be held:

Now, therefore, 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 appoint and declare that sittings of the Court of Appeal of New Zealand shall be held within the Supreme Court House, in the City of Wellington, upon the following days at eleven o'clock in the forenoon, and doth hereby determine that such sittings shall be held by the respective divisions of the said Court as are shown hereunder:—

Monday, the seventh day of March, one thousand nine hundred and forty-nine: By the Second Division of the said Court.

Tuesday, the seventh day of June, one thousand nine hundred and forty-nine: By the First Division of the said Court.

Monday, the fifth day of September, one thousand nine hundred and forty-nine: By the Second Division of the said Court.

T. J. SHERRARD, Clerk of the Executive Council.

*Authorizing the Picton Borough Council to Reclaim Land at Picton in Queen Charlotte Sound*

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of October, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS it is provided by the one-hundred-and-sixty-eighth section of the Harbours Act, 1923 (hereinafter called the said Act), that the Governor-General may from time to time by Order in Council authorize any local authority or Harbour Board to reclaim from the sea areas, not exceeding five acres in extent, in any case where he considers that the reclamation will not affect navigation and is for the benefit of the public:

And whereas the Picton Borough Council (hereinafter called the Council) is desirous of reclaiming from the sea certain land in Queen Charlotte Sound at Picton, and the said reclamation is of such a nature as aforesaid, and the Council has applied to the Governor-General in Council for an order authorizing the execution of the said harbour works:

And whereas it has been made to appear to the Governor-General in Council that the proposed work will not be or tend to the injury of navigation and is for the benefit of the public:

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 acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby authorize and empower the Council to reclaim from the sea in Queen Charlotte Sound at Picton the land coloured red on plan marked M.D. 8780, and deposited in the office of the Marine Department at Wellington, such reclamation to be carried out and constructed in accordance with plan M.D. 8780, subject to the provisions of the said Act.

T. J. SHERRARD, Clerk of the Executive Council.

*Authorizing Hugh Clifford Martin, of Te Mara, Kenepuru Sound, Marlborough, Farmer, to Use Water for the Purposes of Generating Electricity and to Erect Certain Electric Lines*

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of November, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Works Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby grant to Hugh Clifford Martin, of Te Mara, Kenepuru Sound, Marlborough, Farmer (hereinafter referred to as the licensee), a licence subject to the conditions hereinafter set forth to obstruct, impound, or divert the waters of Te Mara Creek, situated in Section 5, Block II, Orieki Survey District, in the Land District of Marlborough, and to take and use therefrom for the purposes hereinafter set forth a stream of water not exceeding one-half of a cubic foot per second at any one time, and to erect the electric lines hereinafter described.

CONDITIONS

1. IMPLIED CONDITIONS

The conditions directed to be implied in all licences by the Water-power Regulations 1934 and the Electrical Supply Regulations 1935 shall be incorporated in and shall form part of this licence, except in so far as the same may be inconsistent with the provisions hereof.

2. LICENCE SUBJECT TO REGULATIONS

This licence is issued under the Water-power Regulations 1934, and is subject thereto and to the Electrical Supply Regulations 1935, the Electrical Wiring Regulations 1935, and the Radio Interference Regulations 1934, and to any regulations made or to be made in amplification or amendment thereof or in substitution therefor.

3. UTILIZATION OF WATER AND LOCATION OF HEADWORKS

Water shall be used under this licence solely for the purpose of generating electricity up to a maximum capacity of 2 kilowatts, and shall be taken from the said stream at a point in Section 5, Block II, Orieki Survey District, in the Marlborough Land District, as indicated on the plan marked P.W.D. 123519, deposited in the office of the Minister of Works.

4. GENERAL DESCRIPTION OF WORKS

The licensee is hereby authorized, subject to the conditions hereof, to construct, maintain, and use the following works for the purpose of this licence, the position of the said works being indicated on the said plan P.W.D. 123519:—

- Headworks consisting of a dam and intake giving a static head of approximately 230 ft.:
- Water-race and pipe-line leading from a point in Te Mara Creek in Section 5, Block II, Orieki Survey District, to the power-house hereinafter described:
- Pelton wheel and power-house with all necessary equipment for generating electricity:
- Electric lines leading from the power-house aforesaid across Te Mara Creek to the licensee's dwellinghouse in Section 5, Block II, Orieki Survey District, the said lines being more particularly delineated on the aforementioned plan P.W.D. 123519.

5. DURATION OF LICENCE

Unless sooner lawfully determined, this licence shall continue in force until the 31st day of March, 1969, or until electrical energy is available from an Electric-power Board or other public source of supply, whichever is the earlier.

6. SYSTEM OF SUPPLY

The system of supply shall be as described in paragraph (d) of clause 21-01 of the Electrical Supply Regulations 1935, and shall be direct current.

7. RENTAL

For the purpose of assessing the rental or annual sum payable in respect of this licence, the licensee may install a suitable maximum-demand indicator to the satisfaction of the Inspecting Engineer of the State Hydro-electric Department, and, failing such installation, the rental shall be determined on the maximum capacity of the generating plant installed. The present plant is rated at 2 kilowatts.

T. J. SHERRARD, Clerk of the Executive Council.

(S.H.D. 11/20/935.)