

3. 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, over, and out of the said wharf without payment.

4. The Council shall maintain and keep the above-mentioned wharf and all erections on or in connection with the wharf in good order and repair; and shall at all times exhibit therefrom, and maintain at the Council's own cost, suitable and necessary lights for the guidance of vessels; provided that no new light shall be exhibited until after it has been approved by the Minister.

5. All dues and rates received on account of the said wharf by the Council shall be applied to keeping the said wharf and all erections on or in connection with such wharf in good order and repair.

6. Any person authorized by the Minister may at all reasonable times enter upon the said wharf and any buildings erected on the wharf or in connection therewith, and view the state of repair thereof; and upon his leaving at or posting to the last known address of the Council a notice in writing of any defect or want of repair in such wharf or buildings, requiring the Council, within a reasonable time, to be therein prescribed, to make good or repair the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

7. The Council shall not erect, or suffer to be erected, on the said wharf any building or structure whatever except with the consent of the Minister.

8. The Council shall keep a separate account of the receipts and expenditure on account of such wharf and premises, and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

9. The Council shall appoint all officers necessary for the working and management of the wharf.

10. Nothing herein contained shall authorize the Council 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 regulation thereunder, and that are now or may hereafter be in force.

11. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 12th day of April, 1918, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

12. The rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the Council 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 Council in New Zealand.

13. The Council shall be liable for any injury which may be caused at the said wharf to any vessel or boat through any default or neglect on the part of the Council.

14. In case the Council shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or
- (2.) Cease to use or occupy the said wharf for a period of thirty consecutive days,—

then and in either 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 Council 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 Council, 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.

15. 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 Council 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 Council fails so to do, the Minister may cause the said wharf to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

F. D. THOMSON,
Clerk of the Executive Council.

Vesting an Addition to a Site for a Secondary School in the New Plymouth High School Board.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 6th day of August, 1925.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred upon him by subsection one of section eight of the Education Reserves Amendment Act, 1924, 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 declare that from and after the date hereof the land described in the Schedule hereto, being land duly set apart as an addition to a site for a secondary school, shall be vested in the New Plymouth High School Board, in trust for that purpose.

SCHEDULE.

ALL that area in the Taranaki Land District, containing by admeasurement 5 acres 2 roods 22 perches, more or less, being parts Sections 2162, 2163, and 2164, Sections 2178 and 2179, parts Sections 2180, 2181, 2182, and 2183, Sections 2193, 2194, 2195, and 2196, parts Sections 2197 and 2198, Sections 2208, 2209, 2210, and 2211, part Section 2212, Sections 2223, 2224, 2225, and 2226, part Section 2227, and Section 2347, Town of New Plymouth, and being all the land comprised in certificate of title, Volume 55, folio 46, New Plymouth Registry.

F. D. THOMSON,
Clerk of the Executive Council.

Making Rule under the Divorce and Matrimonial Causes Act, 1908.

WE, the undersigned Judges of the Supreme Court of New Zealand, of whom the Chief Justice is one, in pursuance and exercise of the powers for this purposes conferred upon us by the Divorce and Matrimonial Causes Act, 1908, do hereby revoke as from the 1st day of August, 1925, Rule 52 of the rules made under the said Act on the 15th day of December, 1910, and do hereby make the following rule in substitution therefor, to come into force on the 1st day of August, 1925:—

"52. All causes shall be tried as follows:—

"(a.) Where in a defended cause adultery is the ground or one of the grounds on which relief is sought the cause shall be tried before the Judge and a common jury of twelve.

"(b.) All other causes, whether defended or undefended, shall be tried before the Judge alone.

"(c.) Subject to the provisions of sections 24 and 38 of the Act, any cause may be ordered to be tried otherwise than is hereinbefore provided, and where in a cause in which an answer has been filed neither the respondent nor any co-respondent attends in person or by counsel at the trial the cause, in the discretion of the Judge, may be tried without a jury."

Given under our hands this 11th day of July, 1925.

ROBERT STOUT, C.J.
W. A. SIM, J.
A. L. HERDMAN, J.
W. C. MACGREGOR, J.
H. H. OSTLER, J.
O. T. J. ALPERS, J.

CHARLES FERGUSSON, Governor-General.

Approved in Council.

F. D. THOMSON,
Clerk of the Executive Council.

Appointing a Commissioner to inquire into and report as to the Most Suitable Site for the Erection of a Wharf in Tryphena Harbour, Great Barrier Island.

CHARLES FERGUSSON, Governor-General.

To all to whom these presents shall come and to ANDREW DUNCAN THOMSON, Esquire, of Wellington: Greeting.

WHEREAS it is expedient that inquiry should be made into the question of the most suitable site, having regard to all circumstances, for the erection of a wharf in Tryphena Harbour, Great Barrier Island: