



NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF NEW MUNSTER.)

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those persons to whom they may relate, and are to be obeyed accordingly.

By His Excellency's Command,

ALFRED DOMETT, Colonial Secretary.

VOL. V.] WELLINGTON, FRIDAY, SEPTEMBER 3, 1852. [No. 20.

PROCLAMATION.

By His Excellency SIR GEORGE GREY, a Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Governor of the Provinces of New Ulster and New Munster, and Vice Admiral of the same, &c., &c., &c.

WHEREAS, the undermentioned Ordinances enacted by the Governor-in-Chief of the New Zealand Islands by and with the advice and consent of the Legislative Council thereof, were passed in the fifteenth year of the Reign of Her Majesty Queen Victoria, viz.,

No. 3 Session XI., "An Ordinance to provide for the Interpretation of Ordinances, and for the shortening of the language used therein."

No. 4 Session XI., "An Ordinance to alter and amend the qualification required for the Burgesses of a Municipal District."

No. 5 Session XI., "An Ordinance to alter and amend the Duties of Customs."

No. 8 Session XI., "An Ordinance for taking a Census of the Colony of New Zealand."

No. 9 Session XI., "An Ordinance for the Naturalization of certain persons in the Islands of New Zealand."

No. 10 Session XI., "An Ordinance to amend the 'Crown Lands Ordinance,' No. 1 Session X., and to extend the operation thereof to the Islands of New Zealand."

No. 11 Session XI., "An Ordinance for the regulation of Building and Land Societies."

No. 14 Session XI., "An Ordinance to amend the Paper Currency Ordinance Session 8 No. 16."

No. 16 Session XI., "An Ordinance to amend 'An Ordinance Session II., No. 12, for regulating the sale of Fermented and Spirituous Liquors.'"

NOW THEREFORE, I, the Governor-in-Chief of the New Zealand Islands, DO HEREBY PROCLAIM and make known to all whom it may concern, that Her Majesty has been graciously pleased to confirm and allow the before-mentioned Ordinances.

This Proclamation shall take effect from and after the date hereof.

GIVEN under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this Thirty-first day of August, in the year of Our Lord One Thousand eight hundred and fifty-two.

G. GREY,
Governor-in-Chief.

By His Excellency's command,

ALFRED DOMETT,

Civil Secretary.

God Save the Queen!

Civil Secretary's Office,
Wellington, 31st August, 1852.

HIS EXCELLENCY the Governor-in-Chief has been pleased to direct the publication of the following Despatch, and Additional Royal Instructions, relating to the Government Pasture Regulations, for general information.

By His Excellency's command,

ALFRED DOMETT,

Civil Secretary.

No. 6.

Downing Street,
10th March, 1852.

SIR,—I have laid before the Queen your Despatch, No. 124, of the 9th of September last, with the Rules and Regulations therein enclosed which, by virtue of the powers vested in you by the 13th clause of Her Majesty's Royal Instructions of 1846, you have issued for the purpose of regulating the manner in which Crown Lands in New Zealand may be occupied for depasturing purposes; and I have to acquaint you that Her Majesty has signified Her Pleasure that these Rules and Regulations may be allowed to take effect. But as the Royal Instructions of 1846 do not invest you with the power of authorizing the issue of

Licenses to cut Timber on the Crown Lands, and as this omission must be considered as purely accidental, Her Majesty has been advised to issue the Additional Instructions (11th of March 1852) which I herewith transmit to you, for the purpose of empowering you to issue such licenses.

I have the honor to be

Sir,

Your most obedient

Humble Servant,

(Signed) John S. Pakington.

Governor

Sir George Grey, K. C. B.

&c., &c., &c.

VICTORIA R.

Additional Instructions to our Governor-in-Chief of New Zealand, or to the officer exercising the said office of Governor-in-Chief for the time being; To our Governor and Commander-in-Chief in and over the Province of New Ulster, or to the officer exercising the said office of Governor and Commander-in-Chief for the time being; To Our Governor and Commander-in-Chief in and over the Province of New Munster, or to the Officer exercising the said office of Governor and Commander-in-Chief for the time being; Or to our Lieutenant Governor of the Province of New Ulster or to the Officer exercising the said Office of Lieutenant Governor for the time being; Or to our Lieutenant Governor of the Province of New Munster, or to the Officer exercising the said office of Lieutenant Governor for the time being. Given at our Court at Osborne House, Isle of Wight, this Eleventh day of March 1852 in the fifteenth year of our Reign.

WHEREAS by our Instructions under our Signet and Sign Manual accompanying our Letters Patent under the Great Seal of our United Kingdom bearing date the Twenty third day of December one Thousand eight hundred and forty six, We did among other things make certain Rules and regulations respecting the Settlement of the Waste Lands of the Crown which are comprised in the Thirteenth Chapter of the said Instructions.

AND WHEREAS it was provided by our said Instructions that nothing therein Contained should interfere with the promulgation by Us as We might thereafter be advised of any other and further instructions respecting the occupation of lands forming part of the demesne of Us

in right of Our Crown, in New Zealand by way of lease or licence for any term of years, or for any shorter time, but that such occupation, leases and licenses should be regulated by such further instructions as We should thereafter issue in pursuance of the Act made and enacted in the Parliament holden in the ninth and tenth years of Our Reign, intituled "An Act to make further provision for the Government of the New Zealand Islands."

AND it was further provided by our said Instructions that nothing therein contained should extend or be considered as extending to the temporary occupation of any lands forming part of the demesne of Us, in right of Our Crown, in New Zealand by any person or persons so occupying the same for the purpose of depasturing Sheep or any other description of Cattle thereon, under any leases or licenses to be to any such person for that purpose granted; but that whatever relates to any such occupation of any such lands for any such purposes as aforesaid should be regulated by such further instructions as We should for that purpose issue, and in the meantime by such orders as should in that behalf be made by the Governor-in-Chief of New Zealand.

NOW THEREFORE by these Our Additional Instructions under our Sign Manual and Signet We are pleased to declare and ordain that nothing in Our said recited Instructions shall extend or be considered as extending to the temporary occupation of any lands forming part of the demesne of Us, in right of Our Crown, in New Zealand by any person or persons so occupying the same for the purpose of cutting timber thereon, under any licence to be to any such person for that purpose granted, but that whatever relates to any such occupation of any such lands for any such purposes as aforesaid shall be regulated by such further instructions as We shall for that purpose issue, and in the meantime by such orders as shall in that behalf be made by the Governor-in-Chief of New Zealand; PROVIDED NEVERTHELESS that no person or persons so licenced as aforesaid, shall be allowed to cut or remove timber on or from such of the lands forming part of the demesne of Us, in right of Our Crown in New Zealand, as may have been or shall be reserved for the public use.

V. R.

(No. 27.)

Downing Street,
24th February, 1855

SIR,—I have received your despatch No. 107, of the 21st of August, 1851; enclosing an Ordinance passed by the Legislature of New Zealand in the month of July last entitled "An Ordinance to amend the Crown Land Ordinance No. 1 of Session 10; and to extend the operation thereof to the Islands of New Zealand."

The object of this Ordinance is to extend to the whole of New Zealand, with certain amendments, the Pasturage Ordinance of 1849, which, at the time, was necessarily limited in its operation in consequence of the Lands in New Munster being under the management of the New Zealand Company.

Having laid this Ordinance before the Queen, I have received Her Majesty's Commands to acquaint you that Her Majesty has been pleased to confirm and allow the same.

I have however to observe that this Ordinance would appear to be quite inoperative within the New Zealand Company's Settlements, wherever there may be existing "Terms of Pasturage:" those terms being generally speaking (as you have been already apprized) regarded by the Law Advisers of the Crown as existing Contracts binding on Her Majesty's Government. But as you state that it is your intention to bring it gradually into operation by Proclamation, I think it sufficient to remind you of that circumstance.

I would also remark that the 5th clause is not very clear in its meaning. By the Ordinance of 1849, the rights of pasturage within a Hundred were in the first instance restricted to certain classes of persons holding depasturing licenses. But the Wardens were authorized to allow to unlicensed owners of land within the Hundred, a proportionate right of depasturing Cattle. The Wardens were likewise empowered to make Bye-Laws to provide for the safety of the Cattle to be depastured within any hundred, to improve the run, to prevent the intrusion of cattle, and the depasturing of a greater number than should be legally apportioned.

By the 5th clause of the Ordinance of July last, the authority of such Bye-laws is made to extend "not only to such persons to whom such licenses as aforesaid may have been issued, but to persons to

whom no such licenses shall have been issued, and to the *lands of such last mentioned persons* being situated within the limits of the hundred." The words which I have underlined, if taken literally, would extend the power of the Wardens not only to lands occupied by unlicensed persons, but to their private property. I presume that the law is not intended to have that meaning, and will not be acted upon in that sense. If however, it is really intended to give this extension to the powers of Wardens, I should wish you to explain to me why you consider such a course to be necessary.

I am of opinion however that the operation of the Bye-laws should not be extended over private lands, except where they may be unenclosed.

I am, Sir, your most obedient Servant,
(Signed) GREY.

Governor Sir G. Grey,
K.C.B., &c. &c. &c.

*Civil Secretary's Office,
31st August, 1852.*

HIS EXCELLENCY the Governor-in-Chief has been pleased to direct the publication of the following Despatch and its enclosure, relative to the Resolutions of the Land Purchasers of Nelson in July, 1847, for general information.

By His Excellency's command,

ALFRED DOMETT,
Civil Secretary.

(No. 6.) *Downing Street,
10th January, 1851.*

SIR,—I transmit to you, for your guidance, copy of a case submitted under my direction to the Law Advisers of the Crown respecting the Resolutions of the Land Purchasers of Nelson in July 1847, and the liability which has devolved on Government in consequence of this opinion: and also of a further Report (10th December) made to me by the Land and Emigration Commissioners on the same subject, and a letter (10th January) which I have caused to be addressed thereupon to the Chairman of the Halifax Committee of Nelson Land Purchasers.

2. By the 15th of these Resolutions it was determined that lands in Nelson should be sold by Auction: It would appear therefore that as the original Terms of Purchase were altered to this extent by the Resolution in question (and had been so before the Enactment of the Statute 14 and 15 Vict. cap. 86.) the sale of Lands by Auction within that

Settlement is authorized notwithstanding those original terms. This mode of sale which I perceive from your despatch No. 120 of August 30th last you had already adopted in Nelson can be continued.

I am, Sir,

Your obedient servant,

(Signed.) GREY.

Governor

Sir George Grey, K.C.B.
&c., &c., &c.

(COPY.)

*Downing Street,
10th January, 1852.*

SIR,—I am directed by Earl Grey to inform you that his Lordship has had, for some time, under his consideration, a letter addressed to Mr. Hawes on the 23rd July last by Mr. H. Seymour, on behalf of certain of the non-resident land purchasers of Nelson. The legal questions raised by that letter were of such a nature as rendered it necessary for his Lordship to have the guidance of the Law Advisers of the Crown respecting them. Their opinion has accordingly been obtained: and as Lord Grey believes that Mr. Seymour and Mr. Bowler also, from whom he received another communication on this subject have left this country for New Zealand, his Lordship has directed me to communicate the result to yourself.

2. Lord Grey is advised that the assent of Col. Wakefield to the resolutions of July 1847 rendered them binding on the New Zealand Company and that those resolutions constituted a Contract which devolved on her Majesty's Government in consequence of the Notice of surrender of the Company's Charter.

3. It follows that the non-resident purchasers of land in Nelson from the Company (prior to the resolutions of July 1847) are entitled to the benefit of an Arbitration on their claims to compensation against the Company within the meaning of those resolutions: such Arbitration to take place in the Colony.

4. Lord Grey will therefore instruct the Governor to enter into arrangements on the part of her Majesty's Government with such non-resident proprietors as may think proper to avail themselves of the proposal. It is, of course, understood

that any award so made must be in land for which purpose the demesne lands of Her Majesty will be placed at the disposal of the Governor.

(Signed) I have &c.,
F. PEEL.

The Chairman of the Halifax Committee of Nelson Land Purchasers.

*Civil Secretary's Office,
Wellington, 31st August, 1852.*

HIS EXCELLENCY the Governor-in-Chief has directed the publication of the following Additional Regulation to come after Clause 4 of the Depasturing

Regulations promulgated in the New Munster *Government Gazette* on the 19th August, 1851.

By His Excellency's command,
ALFRED DOMETT,
Civil Secretary

5th. If at any time during the currency of such License, the Land comprised therein, or any part or parts thereof, shall be leased on behalf of the Crown for the purpose of procuring Minerals, then and in that case also the said License shall cease and determine as to so much of the land as shall be leased as aforesaid, from and after the day of the date of the *Government Gazette* in which notice of such lease shall be published.

CROWN GRANTS.

*Colonial Secretary's office,
Wellington, 1st September, 1852.*

THE undermentioned Deeds of Grant having been duly executed, will be ready for issue at the Office of the Commissioner of Crown Lands, at Wellington, on and after the 7th instant, between the hours of eleven and two, on payment of the established Fees.

In cases where it is impossible for the party entitled to receive the Grant to attend in person to receive his Deed, it will be delivered to the bearer of an authority according to the subjoined form, certified by a Magistrate, or by a Solicitor of the Supreme Court. *

FORM OF AUTHORITY ABOVE REFERRED TO.

I HEREBY authorize A.B., of _____ to receive the Deed of Grant in my favour, for _____

Signature.

Witness
Signature of a Magistrate, or of a
Solicitor of the Supreme Court. }

No.	GRANTEE.	LOCALITY.	Contents.		
			A.	R.	P.
29	Alfred Domett, Esq., and others as Trustees for the Colonial Hospital Endowment, Wellington.	Wellington.	12	0	11½
36	The Venerable William Williams, and others as Trustees for the Church Missionary Society.	Wanganui.	10	0	0
37	Joseph Toms.	Okiwa, Queen Charlotte's Sound.	1100	0	0
38	Do. do.	Ko Anara, Queen Charlotte's Sound.	91	0	0
39	Do. do.	Opua, Queen Charlotte's Sound.	55	0	0
40	James Heberley.	Wellington.	0	2	0
44	John Nicol.	Waikanae.	26	0	0

By His Excellency's command,

ALFRED DOMETT,
Colonial Secretary.

*Colonial Secretary's Office,
Wellington, August 30, 1852.*

TENDERS will be received at this Office on or before the 9th September next, from persons desirous of furnishing the Government with

ONE IRON CHEST,

The dimensions of the Chest should be stated in the Tenders. Tenders to be in Duplicate, Sealed, and endorsed "Tenders for Iron Chest."

By His Excellency's command,

ALFRED DOMETT,
Colonial Secretary.

NOTICE.

SALE OF CONDEMNED GOODS.

TO BE SOLD BY PUBLIC AUCTION, at the Custom House, Wellington, on Wednesday, the 15th day of September, 1852, at 12 o'clock at noon, the following Goods, seized and condemned, viz.,—

One case Lucifer Matches,
Five cases Salad Oil,
Four cases Castor Oil,
Two Tins Spice,
One cwt. Caraway Seeds,
One cwt. Ginger.

STEPHEN CARKEEK,
Collector.

Custom House, Wellington,
August 28th, 1852.

I HEREBY certify, that I have seen and examined the Diploma of Daniel Watkins, Esqre., of Akaroa, from the Royal College of Surgeons in London, and also his License as an Apothecary from the Apothecaries Hall, London.

JOHN WATSON,

Resident Magistrate.

Resident Magistrate's Court,

Akaroa 2nd August, 1852.

NOTICE is hereby given, that the Copartnership lately carried on between the undersigned James Henry Northwood and Henry Stokes Tiffen, as Graziers and Sheep-farmers, under the Style of "Northwood and Tiffen," was dissolved on the first day of April last by mutual consent. Mr. James Henry Northwood is empowered to discharge and settle all debts due to and by the said late Copartnership concern

Dated Wellington this 25th day of August 1852.

Witness, JAS. H. NORTHWOOD
J. E. JAMES H. S. TIFFEN
Wellington.