



**NEW ZEALAND
GOVERNMENT GAZETTE.**

(PROVINCE OF NEW MUNSTER.)

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature hereunto 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, DECEMBER 31, 1852.

[No. 32.]

PROCLAMATION.

By His Excellency SIR GEORGE GREY, a Knight Commander of the most Honorable Order of the Bath, Governor-in-Chief 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 by "The Passengers' Act, 1852," it is enacted that it shall be lawful for the Governor of any of Her Majesty's possessions abroad, by any Proclamation to be by him from time to time issued for that purpose to

declare what shall be deemed, for the purposes of that Act, to be, the length of the voyage of any ship carrying passengers from such possession to any other place whatsoever.

Now therefore, I, the Governor-in-Chief of the New Zealand Islands, pursuant to such authority as aforesaid, Do hereby proclaim and declare that, for the purposes of the above named Act of Parliament, the length of the voyage for a "Passenger ship" proceeding from the Islands of New Zealand, to the undermentioned places respectively, shall be determined by the following scale (that is to say)—

| | If the Ship be propelled by Sails alone. | If the Ship be propelled wholly by Steam Engines of not less Power than after the rate of 20 horses to every 100 registered tons, or by such Steam Engines in aid of Sails. |
|---|--|---|
| | Days. | Days. |
| To any Islands in the Pacific Ocean | 50 | 30 |
| To North or South America | 80 | 48 |
| To New South Wales | 40 | 24 |
| To Van Diemen's Land | 40 | 24 |
| To Victoria | 50 | 30 |
| To South Australia | 60 | 36 |

This Proclamation shall take effect from and after the day of 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 thirteenth day of December 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, December 29th, 1852.

HIS EXCELLENCY the Governor-in-Chief has been pleased to direct that the following Despatch relative to the "Passengers Act," of the 15th and 16th Vic. cap. 44, should be published for general information.

ALFRED DOMETT,
Civil Secretary.

(Circular.)

Downing Street,
12th August, 1852.

SIR,—My attention having been lately drawn to a case in which an Emigrant vessel bound for Victoria, appears to have taken some additional parties on board

after having finally cleared at the Port of Liverpool, I have to instruct you as private emigration has now so largely increased to the Australian Colonies, to impress upon the Emigration Officers, at the out Ports of the Colony under your Government, the duty of strictly watching all Emigrant ships which may arrive, and of ascertaining whether the provisions of the Passengers Act have been duly observed on the voyage, and that there are no Emigrants on board who are not on the Master's List, nor more than the ship can legally carry.

I enclose for your information, and in order that Emigration Officers under you may have the means of making themselves acquainted with its provisions the accompanying copies of the new Act, which will come into operation on the 1st of October next.

I have, &c.

(Signed) JOHN S. PAKINGTON.

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

Civil Secretary's Office,
Wellington, December 29th, 1852.

HIS EXCELLENCY the Governor-in-Chief has been pleased to direct that the following Despatches in reference to the desertion of Seamen from Merchant Vessels, be published for general information.

ALFRED DOMETT,
Civil Secretary.

(Circular.)

Downing Street,
30th June, 1852.

SIR,—I transmit herewith for your information and guidance the copy of a letter and of its enclosures, from the Secretary to the Lords of the Committee of Privy Council for Trade, upon the subject of a doubt which had arisen in the Colony of Victoria, whether a Merchant Seaman who had been convicted and imprisoned for Desertion from his ship, was not thereby released from his engagements.

You will perceive from the accompanying copy of a Report from the Law Officers of the Crown, that they are of opinion that a Merchant Seaman is not

released from his articles by being once punished for desertion.

I have, &c.,
 (Signed) JOHN S. PAKINGTON.
 Governor Sir George Grey,
 K.C.B., &c., &c., &c.

(Copy.)

Office of the Committee of
 Privy Council for Trade,
 2nd June, 1852.

SIR,—I am directed by the Lords of the Committee of the Privy Council for Trade, to request that you will inform Secretary Sir John Pakington that my Lords have been informed by a letter, a copy of which is enclosed, that some of the Authorities at Port Philip, have in construing the Acts which relate to Merchant Seamen, acted upon the opinion that if a Sailor is once convicted and imprisoned for desertion, his engagement is at an end, and that he cannot at the conclusion of his punishment be compelled to return to his ship. As this course appeared to my Lords to be questionable in Law, and injurious in its tendency, they have taken the opinion of the Law Officers upon it, from which it appears that a Sailor is not released from his Articles by being once punished for Desertion.

A copy of this opinion is enclosed, and I am to request you will move Sir John Pakington to consider whether it is not desirable that it should be communicated to the Government of the Colony.

I am, Sir,

Your obedient Servant,

JAMES BOOTH.

(Signed) H. Merivale, Esq.,
 &c., &c., &c.
 Colonial Office.

(Copy.)

35 Albert Square,
 Commercial Road East,
 24th May, 1852.

SIR,—I have the honor of addressing you on a subject which materially affects the interest of British Shipping, trading to the Australian Colonies, having to contend with the difficulties that have arisen in Melbourne, Port Philip, since the discovery of Gold in that Colony;—while there in the ship "Melbourne," of Glasgow, some of my crew, with that of other ships, deserted; six I caught on their way to the Diggings, three of which I took before the sitting Magistrate at Williams Town, they were sentenced to 12 weeks' imprisonment, and by work-

ing overtime while in jail, they were released at the end of 10 weeks, without notice being given to me. When ready for sea, with a valuable cargo of wool and gold, I went to Melbourne from Geelong and waited on his Excellency the Governor, who sent orders to the Sheriff to deliver the men up to me, and on applying to the Sheriff, I obtained an order from him on the jailer; but on waiting on that functionary was told that the seamen had been discharged some days before, he stating that he was not obliged to give notice to the Master when their time was up, and that the ship had no right to the seamen after having performed their time of punishment. This opinion is also held by the Magistrates at Williams Town, much to the annoyance and cost of the Ship-masters, grounding their argument on the Mercantile Marine Act, because it does not say they shall be returned to the ship. As I am about to return to that Colony, I should wish much to have the opinion of the Lords of the Committee of Privy Council for Trade on that point, as I am not aware that although a seaman may be imprisoned under the Act, that it does release him from his engagement with the ship, yet such has been the practice followed up by the Authorities of Port Philip since I have been trading to that Colony.

Begging their Lordships will give this matter their early consideration, and favor me with a reply.

I am, &c.,

(Signed) SAMUEL PICKIN.

To The Secretary of the
 Board of Trade,
 Naval Department.

(Copy.)

Temple, May 31st, 1852.

MY LORDS,—We were favoured with Mr. Farrer's letter of the 28th instant, in which he stated that he was directed by your Lordships to enclose the accompanying Case, and to request our opinion thereon.

The Case, after reciting the 6th and 7th section of 8th Vic., c. 112, and the 70th section of the 13th and 14th Vic., c. 93, proceeded to state that from statements made to the Board of Trade, it appears that under the latter section, certain deserters were arrested at Melbourne, in Australia, and were convicted and sentenced to imprisonment, and that upon the conclusion of the imprisonment, the Master of the

ship being still at the port, and requiring their services on the homeward voyage, was informed that the Articles (which contained as usual a stipulation to serve on a voyage to the colony and back to England) were put an end to by the punishment, and that his right to the seamen's services had therefore terminated. That it further stated that this is the prevailing opinion among the Magistrates at Port Philip.

That the point is one of very great importance to the shipping interest, since if a seaman is, after having been once convicted of desertion and punished, to be considered as released from all further duty to the ship, great encouragement would be given to desertion in places, such as the Colony in question, where the temptations to desert, far out-balance the terrors of a short imprisonment.

The question submitted to us for our opinion is, "whether, if a man has been convicted of desertion and punished, either under the 7th and 8th Vic. c. 112, s. 6, or 13 and 14 Vic., c. 93, s. 70, he is thereby released from his Articles; or whether, when the punishment is at an end, he can still be treated as belonging to the ship, and compelled to rejoin her and perform his duty in her according to the original Articles."

In obedience to your Lordships request, we have taken the same into our consideration, and have the honor to report that we are of opinion that a seaman who has been convicted of desertion and punished under the Acts in question, is not thereby released from his Articles; and as they remain in force, notwithstanding his conviction and punishment, we do not see why he may not be guilty of another offence by again neglecting or refusing to join his ship, and again be dealt with under the 70th sec. of the 13th and 14th Vic., c. 93, by another imprisonment, or by being conveyed on board the ship. Clearly, if instead of being imprisoned in the first instance he had been conveyed on board, or had voluntarily joined the ship after such imprisonment, and had again deserted, he would have been amenable to a second proceeding for such desertion, and we cannot see any distinction between these cases and that of a second neglect or refusal to perform his duty under the Articles, which remain binding upon him.

(Signed)

FRED. THESIGER.
FITZROY KELLY.

The Lords of the Committee
of Privy Council for Trade.

(Circular.)

Downing-street,

14th August, 1852.

SIR,—I transmit herewith for your information and guidance, the accompanying copy of a Report from the Law Officers of the Crown, (5th July, 1852,) in reply to a reference which was made to them on the subject of the desertions now taking place among the crews of Merchant Vessels at the Australian Ports, in which they state their opinion that on the application of a Magistrate, the Officers and Crews of Her Majesty's ships may be lawfully called upon to prevent such desertion.

I have &c.,

(Signed) JOHN S. PAXINGTON.
Governor Sir George Grey,
K.C.B., &c., &c., &c.

Temple, July 5th, 1852.

SIR,—We were honored with a letter from Mr. H. Merivale on June 29th, in which he states that it having been lately represented to you that great inconvenience is felt at the principal Australian Ports from the desertion of the crews of merchant vessels, and on this as well as other accounts, measures have been taken for sending some of Her Majesty's Ships to be stationed at those ports or in the neighbourhood.

And also that a question has been raised in what manner the naval force thus supplied can be rendered serviceable for the purpose of checking desertion.

And that he was commanded to direct our attention to the provisions of the Merchant Seaman's Act, 7 & 8 Vict., 112, especially sections 6 & 7 (modified as to particular vessels by section 61), and to request that we would inform you whether, in our opinion, magistrates acting under those provisions, may lawfully call on the officers and crews of Her Majesty's ships to assist them in the execution of their duties; and what instructions it would be proper to issue to the Magistrates in question, and to the Commanders of Her Majesty's ships in reference to this subject.

In obedience to such command we have the honor to report that we are of opinion that if the Magistrates require assistance for the purpose of apprehending seamen, who have offended against the provisions of the Act of Parliament in question, it is as lawful for them to call upon the officers and crews of Her Majesty's Ships to assist them in the execution of their duties as Magis-

trates—as upon any other of her Majesty's subjects. The Magistrates are of course responsible for the occasion being one in which assistance and especially armed assistance, has become necessary, and we think it will be proper to issue instructions to the Magistrates to be very cautious not to resort to this species of assistance except in cases, when, in their judgment, it has become absolutely necessary, but leaving this discretion entirely to the Magistrates. the Commanders of Her Majesty's Ships ought to be instructed to be ready to act in aid of the civil power, whenever they may be called upon to do so.

We have, &c.

(Signed) (FRED. THESIGER,
FITZROY KELLY.)

Notice to Mariners.

Civil Secretary's Office,
Wellington, 24th December, 1852

HIS EXCELLENCY the Governor-in-Chief has been pleased to direct the re publication of the following Notice for general information.

By His Excellency's command,

ALFRED DOMETT,
Civil Secretary.

GOVERNMENT NOTICE.

Colonial Office, Cape of Good Hope,
24th August, 1852.

HIS Honor the Lieut.-Governor has directed it to be notified, that a Wooden Light House is about to be erected on the Eastern extreme of the Bird Islands, in Algoa Bay, and that this Light House will, from and after the 1st December next, show Two White Lights, 18 feet apart, and will be lit at sunset every evening, and continue until sunrise on each following morning.

By His Honor's command,

(Signed) R. SOUTHEY,
Acting Secretary to Government.

SAILING DIRECTIONS FOR BIRD ISLANDS LIGHT.

Light House.—To show two lights 18 feet apart, one 10 feet higher than the other, latitude $33^{\circ} 52' S.$; longitude, East of Greenwich, $26^{\circ} 12' 50'' E.$

Heights above mean water level.

| | |
|---|----------|
| The Foundation..... | 25 feet. |
| To the Eaves..... | 55 do. |
| The centre of Tower..... | 60 do. |
| The centre of Upper Light..... | 70 do. |
| <i>The Plan.</i> —4 sided, each side at base 22. 6. | |
| Each side at eaves..... | 16. 0. |

Painting.—The roof black, body of building white and black, horizontal stripes,

Lights.—The two lights will be laid on the line between them and the Doddington Rock, on which line one will be directly above the other, with a dark space between,

VIDE—Extracts from Captain FISHBOURNE'S *Sailing Directions, in Cape of Good Hope Directory for 1852*, page 55.

"Bird Islands.—The Bird Islands, situated in the eastern extremity of Algoa Bay, lie off Woody Cape, which is, as its name imports, covered with wood, except a small patch of sand at its summit, and is the only sea-board land that is so, which gives it, in contrast with that for miles on either side, a dark appearance; the land on its west side, from near St. Croix up, rises into small numerous sandy hillocks, quite bare of vegetation, and that to the eastward, up to Padrone Point, is similarly bare.

"Woody Cape.—Is high, rugged, and not prominent, scarcely determinable as a Cape, except when very near it; not so Padrone Point, which runs out into a low point of sand, forming a determinable Cape, without vegetation, from which breakers run out some distance, and the water breaks still further out at times, owing to the meeting of currents there, and after strong winds.

"Anchorage off, and Dangers near, Bird Islands.—The innermost danger from these Islands is fully five miles from Woody Cape, and they afford tolerable shelter behind them in winds from W. to S.E., in 13 fathoms, and rather better than half a mile from the northernmost breakers; closer would afford more shelter, but the ground is foul. They are very low and occasionally dangerous, and though the main land will generally be seen before them, and the distance from them may be estimated by it, yet this is not entirely to be relied on; so, in shaping a course to go outside of them, allowance should be made for the fact, that the eddy, or return current sets in towards them, and then to the eastward.

"Doddington.—The Doddington and Western reef should be considered as part of the Bird Island reef, and no vessel should go between them; the water does not always break on them, but in bad weather the breakers extend the whole way from them to the Islands; the Doddington lies about 11 miles from Woody Cape. In clear weather the rugged topped mountain and the Cockscomb may be seen from these Islands, or rather from abreast of them, for the latter would be shut in when on them; but in passing outside the Doddington it should be kept open to the West of the rugged topped mountain, bearing about N.W., and the ship should steer N.W. by W. $\frac{1}{2}$ W.; having passed the Doddington, the high land at the back of Port Elizabeth will soon appear right-a-head.

"Erroneous Statements.—There are many statements current about breakers being seen from time to time in different parts of Algoa Bay; but, I believe, others than those laid down in the Chart, now transmitted, not to have any existence, and that that which has been mistaken for such, has been the effect of mirage."

GEORGE PILKINTON,

Colonial Civil Engineer.

*Civil Secretary's Office,
Wellington, 28th December, 1852.*

HIS EXCELLANCY the Governor-in-Chief has been pleased to direct that the following Report on specimens of Gold from Auckland should be published for general information.

By His Excellency's command,

ALFRED DOMETT,
Civil Secretary.

Wellington, December 24th, 1852.

SIR,—I have the honor to inform your Excellency that I have examined some of the flake Gold from Auckland, marked No. 6, and I have been unable to detect any silver in it. But I am inclined to think that its dull color is due to the presence of minute crystals of quartz, which appear to be intimately mixed with the metal.

I have, &c.,

(Signed) T. SHEARMAN RALPH.
His Excellency Sir George Grey,
K.C.B., &c. &c. &c.

*Colonial Secretary's Office,
Wellington, December 29th, 1852.*

NOTICE IS HEREBY GIVEN, that the Public Offices will be closed on the 1st and the 22nd January next.

By His Excellency's Command,

ALFRED DOMETT,
Colonial Secretary.

*Colonial Secretary's Office,
Wellington, December 28th, 1852.*

HIS EXCELLENCY the Governor has been pleased to appoint

MR. RICHARD EATEN,

to be Pound-keeper at Waimea, in the Nelson District, *vice* Mr. Frederick Windeiborn resigned.

By His Excellency's command,

ALFRED DOMETT,
Colonial Secretary.

*In the Supreme Court of New Zealand,
District of Wellington.*

In the estate of JOSEPH TOMS, Master Whaler, deceased, Intestate.

PURSUANT to the Rule of this Honorable Court, the Creditors of the above-named deceased are, on or before the 10th day of April next, to come in and prove their debts before Robert Rodger Strang, Esquire, Registrar of the said Court at Wellington, or in default thereof they will be peremptorily excluded from all benefit arising from the said estate.

ROBERT R. STRANG,

Registrar.

*Registrar's Office, Wellington,
December 23rd, 1852*

AMOUNT OF THE NOTES IN CIRCULATION AT THE OFFICE OF THE "COLONIAL BANK OF ISSUE" AT WELLINGTON, ON THE 11TH DAY OF DECEMBER, 1852.

Amount of Notes in Circulation on the 11th day of December, 1852, being the close of the preceding four weeks, viz.,

| | | | |
|----------------------|--------|---|---|
| £5 and upwards | £3,550 | 0 | 0 |
| Under £5 | 9,775 | 0 | 0 |

Total

£13,325 0 0

Total Amount of Coin held by the same Office, on the same day, viz:

| | | | |
|--------------|--------|---|---|
| Gold | £3,221 | 0 | 0 |
| Silver | 2,104 | 0 | 0 |

Total.....

£5,325 0 0

I, HENRY W. PETRE, Colonial Treasurer, do hereby certify, that the above is a true Account as required by the Ordinance No. 16, Session 8.

HENRY W. PETRE,

Colonial Treasurer.

Colonial Treasury,
Wellington, 13th December, 1852.

The sum of Eight Thousand Pounds Sterling has been invested under the Warrant of His Excellency the Governor-in-Chief, in the Public Funds in England, through the Commissariat Department, by arrangements made through the Lords Commissioners of Her Majesty's Treasury.

HENRY W. PETRE.

Registrar General's Office,
Wellington, December 22nd, 1852.

PURSUANT to the provisions of the 40th, 41st, and 42nd clauses of the "Marriage Ordinance," Session 8, No. 7, 1847, the following List of Officiating Ministers is published for general information.

| NAME. | RESIDENCE. | RELIGIOUS BODY. |
|-------------------|-----------------------|------------------------------|
| Rev. O. Hadfield | Otaki | Church of England. |
| R. Cole | Wellington | |
| T. B. Hutton | Hutt | |
| E. Wheeler | Wellington | |
| S. Williams | Otaki | |
| R. Taylor | Wanganui | |
| J. W. Colenso | Ahuriri | |
| J. Hamlin | Wairoa | |
| H. Butt | Nelson | |
| T. L. Tudor | " | |
| R. B. Paul | Canterbury Settlement | |
| G. T. B. Kingdon | " " | |
| W. W. Willcock | " " | |
| Edward Duneage | " " | |
| Edward Puckle | " " | |
| Henry Jacobs | " " | |
| B. W. Dudley | " " | |
| Geo. Cotterell | " " | |
| James Wilson | " " | |
| J. A. Fenton | " " | |
| O. Mathias | " " | |
| W. J. Aylmer | " " | |
| W. Kirton | Wellington | Church of Scotland. |
| T. E. Nicholson | Nelson | Free Church of Scotland. |
| Thomas Burns | Otago | |
| William Brown | Hutt | Reformed Presbyterian Church |
| James Duncan | Manawatu | |
| James Watkins | Wellington | Wesleyan Methodist Society |
| John Alfred | Hutt | |
| S. Ironside | Nelson | |
| W. Woon | Patea | |
| George Stannard | " | |
| W. Kirk | Wanganui | |
| Charles Creed | Otago | |
| J. J. P. O'Reilly | Wellington and Hutt | |
| J. Forest | " " | |
| J. B. Petit Jean | " " | |
| J. Leon | " " | |
| A. Garin | Nelson | Roman Catholic Church. |
| D. Moreau | " | |
| D. B. Compte | Otaki | |
| S. Pezant | " | |
| J. S. Barnard | " | |
| A. Baty | " | |
| E. Reigner | Ahuriri | |
| J. B. Lampila | " | |
| J. F. H. Wohlers | Ruapuke | |
| J. W. C. Heine | Nelson | |
| Henry Green | Wellington | Lutheran Church. |
| Jonas Woodward | " | |
| D. Dolamore | Nelson | Primitive Methodist Society. |
| | | Congregational Church. |
| | | Baptist |

I, Robert Rodger Strang, Registrar General for the Province of New Munster, do hereby certify that the foregoing is a true copy of the "List of Officiating Ministers" for the said Province, compiled by me in conformity with the instructions contained in clauses 40, 41, and 42 of the "Marriage Ordinance," Session 8, No. 7.

ROBERT R. STRANG,
Registrar-General.

