



NEW ZEALAND GOVERNMENT GAZETTE.

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.

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL. IV.]

AUCKLAND, FRIDAY, MAY 3, 1844.

[No. 13.

*Legislative Council Office,
Auckland, 25th April, 1844.*

HIS Excellency the Governor directs it to be notified, that in consequence of the press of Public Business having much retarded the completion of all the measures necessary to be laid before the Legislative Council, His Excellency is under the necessity of postponing the Meeting of that Body, till Tuesday the 14th of May, 1844.

J. COATES,
Clerk of Council.

COUNCIL—PRIVATE BILLS.

*Legislative Council Office,
Auckland, 18th March, 1844.*

HIS Excellency the Governor has been pleased to direct it to be notified for general information, that persons intending to apply for Private Ordinances during the ensuing Session of the Legislative Council, must transmit drafts of the Bills to the Clerk of Councils, on or before the 31st day of May next.

J. COATES,
Clerk of Council.

*Legislative Council Office,
Auckland, 24th April, 1844.*

HIS Excellency the Governor has been pleased to direct that the following heads of a "Bill for facilitating proceedings by and against a certain Joint Stock Company, called the 'Union Bank of Australia,' and for other purposes therein mentioned," about to be intro-

duced at the adjourned Session of the Legislative Council, be published for general information.

J. COATES,
Clerk of Council.

SUBSTANCE OF CLAUSES.

1. Company to sue and be sued, in the name of the Local Manager, or one of the Local Directors.
2. Right and Liability of Members of the Company to sue and be sued by the Company.
3. Member of Company not allowed to set off his pecuniary Interest in its Stock, against any demand of the Company.
4. Bonds and other securities may be put in suit, &c. in the name of the Manager, or one of the Directors for the time being, though not named in such security.
5. Any Member of Company guilty of Larceny, Embezzlement, &c. of its property, liable to the same consequence as if he were not such Member.
6. Actions and other legal proceedings not to abate or be prejudiced by the death, resignation, or removal of the nominal Plaintiff or Defendant.
7. Memorial in the name of Local Manager, or Director, to be verified, and recorded in the Supreme Court, and no legal proceedings to be taken by the Company until that has been done.
8. Plaintiff not to be nonsuited, for want of proof of memorial.

9. List of Members to be recorded in the Supreme Court.

10. Members of the Company to be competent witnesses.

11. Copy of Deed, attested by Manager, to be recorded.

12. Judgment, Decree or Order against the Manager or Director to be enforced against the assets of the Company, or against the private assets of the Shareholders.

13. Company may make contracts and conveyances in the name of the Local Manager.

14. Act to extend to all future Proprietors.

15. Act not to affect the rights of Her Majesty.

16. Not to incorporate the Members of the Company.

17. Notarial Copy of Deed of Copartnership, to be received as legal evidence in any Court of Law or Equity.

18. That Copy of Act printed at Government Press, in this Colony, be admitted as evidence.

19. Act to be deemed a Public one.

GOVERNMENT NOTICE.

*Colonial Secretary's Office,
Auckland, 26th April, 1844.*

THE following Bills will be laid before the Legislative Council, and will be printed for general information as soon as possible. —

1. A Bill for establishing Courts of Request, for the speedy recovery of debts not exceeding Twenty Pounds (£20); and for repealing the County Court Ordinance.

2. A Bill for the relief of persons imprisoned for debt, who have become indebted without any fraud, or gross or culpable negligence—by releasing the persons of such debtors—without exonerating their estates from liability.

3. A Bill for constituting the Governor, the Bishop, the Attorney General, the Principal Land Commissioner, and the Chief Protector of Aborigines, for the time being, — a Board of Trustees for the management of property, to be set apart for the education and benefit of the Native Race.

4. A Bill providing for the establishment and regulation of Municipal Corporations; enabling the Governor to declare any settlement of which the population shall exceed two thousand souls, to be a borough: and declaring the trust of and land that may be conveyed to the Mayor, Aldermen, and Burgesses of any Borough for the benefit thereof.

5. A Bill to amend the Customs Ordinance: — the principal alterations being that the duty on all Spirits should be lowered to two shillings per gallon; that the Duty on unmanufactured Tobacco should be lowered to three-pence per pound; — that on manufactured Tobacco (except cigars and snuff) to four-pence per pound: and on Cigars and Snuff to one shilling per pound: — also that all differential duties in favour of any particular British Colonies should be abolished.

6. A Bill for repealing the "Ordinance prohibiting the Distillation of Spirits within the Colony of New Zealand."

7. A Bill for amending the "Cattle Trespass Ordinance," by providing for the summary recovery of compensation for damages done by animals trespassing on land, whether fenced or not fenced.

8. A Bill for amending the "Harbour Regulations Ordinance," by providing that all regulations made by the Governor in Council, under the authority of such Ordinance be submitted to Her Majesty for confirmation.

9. A Bill for amending the "Conveyancing Ordinance," by providing that Deeds and Wills executed out of the Colony, may be received in evidence,—provided they be verified by affirmation in accordance with the provisions of Wm. IV, Chap 62.

10. A Bill for amending the New Zealand Banking Company's Ordinance, by making it permissive instead of obligatory to carry on legal proceedings against the said company in the name of the Manager.

11. A Bill for the Naturalisation of certain Germans.

12. A Bill for the admission of unsworn testimony in certain cases.

13. A Bill authorising the Supreme Court to hear appeals from the decision of Justices of the Peace; in certain cases.

14. A Bill for declaring that in particular cases; (*inter se*), the Aboriginal Natives of New Zealand, shall not be amenable to the Law of England.

15. A Bill for amending an "Ordinance for licensing Auctioneers," by repealing the duties on goods sold by Auction, and imposing a higher payment for annual licenses.

16. A Bill for imposing an annual tax of two-pence per acre on land, cultivated or wild, of which grants have been made by the Crown, or to which a valid claim has been proved, and for which a crown grant has been ordered to be prepared,—and is ready for issue on demand.

Also on all houses containing more than three rooms, — at the rate of one pound for each room above that number, excepting only Government Offices.

Also on dogs not belonging to the Aboriginal Natives, — at the rate of ten shillings for each dog, kept during any part of the year, excepting only one dog for any one house.

Also on animals imported into the Colony, at the rate of thirty shillings for each horse, ten shillings for each head of neat cattle, five shillings for each mare, two shillings for each ass, and one shilling for each sheep.

And for authorising and requiring the Police Magistrates, and Collectors of Customs, to levy

collect, and pay over to the Colonial Treasury, the several taxes and duties above mentioned.

17. A Bill for appropriating the Revenue of the Colony to certain specific purposes.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 30th April, 1844.*

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following Despatch from Lord Stanley, together with an Order made by Her Majesty Queen Victoria, in Council,—

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

*Downing-street,
1st September, 1843.*

SIR:—I have the honor to transmit to you herewith an Order made by Her Majesty in Council on the 23rd ult., exempting from Duty specimens illustrative of Natural History on their importation into Her Majesty's Colonial Possessions.

I have to desire that you will give publicity to this Order in the Colony under your Government, and will take the necessary steps to insure its being carried into effect.

I have the Honor to be,
Sir,
Your most Obedient
Humble Servant,
(Signed) STANLEY.

Governor FITZROY,
&c., &c., &c. }

L. S.—AT THE COURT AT BUCKINGHAM PALACE.

The 23rd day of August, 1843.

PRESENT—THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the Session of Parliament held in the 5th and 6th Years of the Reign of Her present Majesty, intituled "An Act to amend the "Laws for the Regulations of the Trade of the British Possessions abroad," it was enacted that there should be raised, levied, collected and paid to Her Majesty the several Duties of Customs, as the same are respectively set forth in figures in the Table of Duties therein after contained, upon Goods, Wares, and Merchandize not being the growth, production, or manufacture of the United Kingdom, or of any of the British Possessions in America, or of the Mauritius, or of any of the British Possessions within the limits of the East India Company's Charter, or the produce of any of the British Fisheries imported or brought into any of the British Possessions in America, or the Mauritius by Sea or Inland Carriage or Navigation; and whereas divers articles are enumerated in the said Table of Duties, and certain duties therein

mentioned are therein made payable upon such Articles respectively; and the duty of four per centum ad valorem is made payable on Articles not enumerated, except such as are comprized or referred to in the Table of Exemptions subjoined to the said Table of Duties. And whereas it is also enacted by the said Act now in recital that it shall and may be lawful for Her Majesty, by and with the advice of Her Privy Council by any order or orders in Council to be issued from time to time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article with a Duty of 4 per centum ad valorem, shall be added to the list of Exemptions therein before set forth, and shall be free from such Duty, and from and after the time mentioned in such Orders for the commencement of such Exemptions, not being less than six months from the date thereof, such Exemption shall take effect, and such Article shall thenceforth, while such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any time be suspended or revoked by Her Majesty, with the advice of Her Privy Council, by any other Order in Council.

And whereas specimens illustrative of Natural History, are not enumerated in the said Table of Duties, neither are they comprized or referred to in the said Table of Exemptions; and whereas Her Majesty, with the advice of Her Privy Council, hath thought fit, for the encouragement of the study of Natural History, that specimens illustrative of Natural History should be exempted from the Duties imposed by the said recited Act.

Now, therefore, under and by virtue of the said Act of Parliament, and in exercise of the powers thereby in Her Majesty in Council in that behalf vested, Her Majesty by and with the advice of Her Privy Council, doth Order, and it is hereby Ordered accordingly, that specimens illustrative of Natural History, being Articles chargeable under the said Act with a Duty of 4 per cent ad valorem, shall be, and the same are hereby added to the list of Exemptions in the said recited Act set forth; and that from and after the 1st day of February, 1844, the said Articles shall be free from such Duty as fully and effectually as if such Articles had been inserted and enumerated in the said Table at the time of passing the said Act.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and the Right Honorable Lord Stanley, are to give the necessary directions herein accordingly.

(Signed) C. GREVILLE.

*Colonial Secretary's Office,
Auckland, 30th April, 1844.*

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following Communication from Lord Stanley.—

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

Downing-street,
12th September, 1843.

Sir:—Her Majesty's Government having had under their consideration the mode in which the correspondence between the Commissioners of Audit in this Country, and the Officers of Account in the several Colonial Dependencies of the Crown is at present carried on, have thought it necessary to establish the following Rules for the future conduct of that correspondence.

1st. The Board of Audit in this Country will correspond directly with the Accountants in the Colonies.

2nd. The communications from the Board of Audit will be divided into two classes, the one comprising points affecting the functions and responsibility of the Accountants only, the other comprising points affecting the discretion and responsibility of the Governor or other Superior Officer authorizing Expenditure.

3rd. Both these classes of communications will be addressed directly to the Accountants, but of the second class copies will be sent simultaneously with their transmission to the Colony to the Lords Commissioners of the Treasury to be forwarded to the Secretary of State, by whom such instructions as may appear to him necessary, will be addressed to the Governor respecting them.

4th. To insure, however, to the Governor full knowledge of all correspondence in which the affairs of his Government may be concerned, the Accountant will be directed to submit to him all queries or letters whatever which may be addressed to him by the Audit Office, together with the answers which it may be his intention to return to them; and it will be the duty of the Governor, should he see reason to dissent from those answers, or desire to attach to them any additional explanation, to address a despatch on the subject to the Secretary of State.

5th. If in any case it shall appear to the Board of Audit necessary that a question regarding Colonial Accounts should be proposed to the Governor himself, the Board will submit such question to the Lords of the Treasury, at whose instance the Secretary of State will himself communicate on the subject with the Governor.

I have to desire that you will enforce the observance of these Rules for the future in the Colony under your Government.

I have the Honor to be,
Sir,
Your most Obedient
Humble Servant,
(Signed) STANLEY.

Governor FITZROY,
&c., &c., &c. }

SUPREME COURT.

NOTICE is hereby given, that a Sitting of the Supreme Court for the despatch of Criminal Business, will be held at the Court House in Auckland, on Saturday the 1st day of June next, at Ten o'clock in the forenoon, at

which time and place all persons under Recognizances to appear either as Prosecutors, Defendants, or Witnesses, are required to give their attendance.

THOMAS OUTHWAITE,
Registrar,
Auckland, 1st May, 1844.

CONTRACTS FOR THE SUPPLY OF PROVISIONS.

Colonial Secretary's Office,
Auckland, 1st May, 1844.

IT is hereby notified for Public information, that a Tender for the supply of Provisions for the Current Year, submitted by Mr. Adam Chisholm, in pursuance of the Notice in the Government Gazette, dated the 4th ultimo., has been accepted.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

CROWN GRANTS.

Colonial Secretary's Office,
Auckland, 2nd May, 1844.

THE undermentioned Deeds of Grant are now lying at this Office, and will be delivered to the Grantees, on application, on or after Monday, the 6th instant, and on presentation of the Colonial Treasurer's receipt, when the land has been purchased at Crown Sales.

In cases where it is impossible for the grantee 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.

The days for delivery of the Deeds, will be Monday and Tuesday in every week.

Form of Authority for a Deed of Grant by purchase.

I hereby authorize A. B. of _____ to receive the Deed [for the Town, Suburban, or Country as the case may be,] Allotment No. _____ of Section No. _____ in the District of _____ purchased by me at the Government sale of the _____ day of _____, 184 _____, for which he will produce the receipt of the Colonial Treasurer.

WITNESS, (Signature of Grantee.)
Signature of a Magistrate or of a Solicitor of the Supreme Court. }

DISTRICT OF TAMARI.

79. Robert Clapham Barstow, one hundred and twenty-four acres, two roods, and thirty-one perches. Country Lot No. 5.

81. Thomas Caukwell, sixty-seven acres, one rood, and thirty-five perches. Country Lot No. 10.

82. William Innes Taylor, ninety-two acres, one rood, and five perches. Lot No. 14.

PARISH OF TITIRANGI.

83. Alexander M'Kay, forty-three acres. Country Lot No. 3.

Form of Authority for a Deed of Grant on an approved Claim to Land.

I hereby authorize A. B. of _____ to receive the Deed of Grant in my favor, for Land Claim Case No. _____

WITNESS, (Signature of Grantee.)

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

COROMANDEL HARBOUR.

8. William Webster, said to contain one hundred and twenty-five acres, being part of Claim No. 305.

9. Henry Downing, said to contain one hundred and twenty-five acres, being part of Claim No. 305.

10. William Webster, said to contain one hundred and twenty-five acres, being part of Claim No. 305 (a.)

11. Peter Abercrombie, one hundred and twenty-five acres, being part of Claim No. 305 (a.)

12. William Webster, said to contain four hundred acres, being part of Claim No. 305 (c.)

13. Henry Downing, said to contain four hundred acres, being part of Claim No. 305 (c.)

RIVER THAMES.

14. David E. Munro, five hundred and fifty acres, being claim No. 305 (b.)

POINT RODNEY.

15. William Webster, said to contain one thousand nine hundred and forty-four acres, being Claim No. 305 (g.)

ISLAND OF WAIHĒRE.

16. William Webster, said to contain one thousand one hundred and eighty-seven acres being Claim No. 305 (i.)

WEST BANK OF THE RIVER PIAKO.

17. William Webster, said to contain one thousand two hundred and nineteen acres, being part of Claim No. 305 (k.)

18. Peter Abercrombie, said to contain five thousand acres, being part of Claim No. 305 (k.)

19. Felton Mathew, said to contain two thousand five hundred and sixty acres, being part of Claim No. 305 (k.)

20. John Johnson, said to contain one thousand two hundred and eighty acres, being part of Claim No. 305 (k.)

21. Jeremiah Nagle, and John W. Renn, said to contain one hundred and fifty acres, being part of Claim No. 305 (k.)

22. Vincent Wanostroch, said to contain two hundred and fifty acres, being part of Claim No. 305 (k.)

23. George Russell, said to contain six hundred and forty acres, being part of Claim No. 305 (k.)

24. Henry Downing, three hundred and twenty acres, being part of Claim No. 305 (k.)

The following Deed has been issued from this Office.

SELECTED ALLOTMENT.

TOWN OF AUCKLAND.

2. Willoughby Shortland, one rood, and thirty-four perches, Allotment No. 11, of Section No. 3.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

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