



NEW ZEALAND GOVERNMENT GAZETTE.

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By His Excellency's Command,
ANDREW SINCLAIR, Colonial Secretary.

VOL. VII. AUCKLAND, FRIDAY, SEPT. 17, 1847. No. 20.

JOURNAL OF PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

THURSDAY, 26th AUGUST.

Present—His Excellency the Lieut.-Governor, the hon. Colonial Secretary, the hon. Colonial Treasurer, the hon. Attorney General, Mr. Brown, and Mr. Merriman; absent, Mr. Domett.

Council met pursuant to adjournment. Minutes of last meeting read and confirmed.

Mr. Brown moved for the following returns to be laid upon the table, viz:—

- 1st.—A Return showing the total amounts received at the Resident Magistrate's Court, from 1st Nov. 1846, to this date, for fees and fines, respectively, distinguishing the total amount of fees and fines received under each statute or ordinance.
- 2nd.—A Return for the same period shewing the total amount of fees received in case of breach of 'Cattle Trespass Ordinance,' wherein damages for trespass were sought to be recovered by individuals, distinguishing the title of causes, the amount of damages sought to be recovered, the amount awarded, and the amount of fees charged and recovered in each case respectively.
- 3rd.—A Return for the same period, showing the amount of fines appropriated otherwise than by payment into the Colonial Treasury, the name of the individual to whom the same was appropriated, the ground for the

authority under which such appropriation was made.

4th.—A Return for the same period shewing the amount of fees remitted, the name of the individual to whom the same was remitted, and authority for such remission.

5th.—A Return for the same period of all civil cases brought before the same court, shewing the titles of causes, the amount respectively sought to be recovered, the amount awarded, the amount actually recovered, the punishment inflicted in default of payment of either debt or costs, the amount of fees charged, also the amount of fees remitted in such cases, with the ground and authority for such remission.

The Colonial Treasurer moved the order of the day for the further consideration in committee of the 'Paper Currency Bill.'

Bill considered, and ordered to be reprinted: committee adjourned.

The Colonial Secretary moved the order of the day for the further consideration in committee of the 'Slaughter-house Bill.'

Bill further amended, and committee adjourned until Saturday, the 28th inst.

The first reading of the 'Impounding Bill,' further postponed until Saturday next.

The Governor laid on the table the following returns having reference to the information required by Mr. Brown, at the last meeting of Council, on the subject of the Police Force, viz:—

- 1st.—A Return of all sums received from the late Police Force, and now Resident Magistrate's Court, as penalties, by the Armed

Police Force from its formation 4th May, 1846, to 25th August, 1847.

2nd.—A Return of all sums received by the Armed Police Force, under the 'Dog Nuisance Act,' from its formation 4th May, 1846, to 25th August, 1847.

3rd. A Return of rewards received by the Armed Police Force for the apprehension of deserters and stragglers from Her Majesty's Land and Sea Forces, from its formation 4th May, 1846, to 25th August, 1847.

4th.—Total number of summonses and warrants executed, and prisoners apprehended by the Armed Police Force, from its formation 4th May, 1846, to 7th Feb. 1847.

5th.—Total number of summonses and warrants executed, and prisoners apprehended by the Armed Police Force from 7th Feb., to 30th July, 1847.

6th.—A Return of total amount of sums received by the Armed Police Force from its formation 4th May, 1846, to 25th August, 1847.

7th.—Total number of summonses served, warrants executed, and prisoners apprehended, by the Armed Police Force from 1st December, 1846, to 31st July, 1847.

8th.—A list of rewards.

9th.—A Return of duties performed by the Armed Police Force from 1st Dec. 1846, to 31st July, 1847.

Ordered to be printed.

The Governor laid on the table the draft of a bill entitled 'An Ordinance to secure the payment of certain Government Debentures, out of the general revenue of the Colony.'

Ordered to be printed.

Council adjourned at half past 4, until 2 o'clock on Saturday, 25th inst.

SATURDAY, 28th AUGUST.

Present—His Excellency, and five members, absent Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Colonial Secretary moved the order of the day for the further consideration in committee of the 'Slaughter-house bill.'

Bill considered, and further amended by the insertion after 19th clause, of two additional clauses proposed by the Attorney General.

Committee adjourned until Tuesday, 31st instant.

The Attorney General moved the order of the day for the first reading of the 'Impounding bill.'

Bill read a first time.

The Attorney General gave notice that he should move the second reading of the said bill on Tuesday next.

The Attorney General also gave notice that he should move the first reading of the 'Marriage bill' on Tuesday next.

Council adjourned at 3 o'clock, until 2 o'clock on Thursday, the 31st inst.

TUESDAY, 31st AUGUST.

Present—His Excellency, and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

Mr. Merriman presented a petition from Mr. John Hursthouse, Auctioneer, New Plymouth, praying for the repeal of such clauses of the 'Auctioneers License Ordinance,' as relate to the hours of selling by auction, so far as they affect New Plymouth.

Petition received and read.

The Colonial Secretary moved the order of the day for the further consideration in committee of the 'Slaughter-house Bill.'

Report brought up and adopted, and notice given for the third reading of the said bill on Thursday next.

The Attorney General moved the order of the day for the second reading of the 'Impounding bill.' Bill read a second time, and on the motion of the Attorney General, Council went into committee on the said bill.

Bill considered and amended, and committee adjourned until Thursday next.

The Attorney General moved the order of the day for the first reading of the 'Marriage Bill.'

Bill read a first time, and notice given for the second reading of the said bill on Thursday next.

Council adjourned at 4 o'clock, until 2 o'clock on Thursday, 2nd September.

THURSDAY, 2nd SEPTEMBER.

Present—His Excellency, and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Colonial Treasurer presented a petition from the Ministers and Office bearers of the Wesleyan Methodist Church in Auckland, praying that any bill relating to the celebration of Marriages in this colony, that may be adopted by His Excellency in Council might be framed on the principle of 'An Order in Council' given by the Queen in Sept. 1838, for the regulation of Marriages in the West India Colonies.

The Colonial Treasurer also presented a petition from Mathew Whytlaw, merchant, residing in Auckland, praying that the Marriage Bill now under the consideration of the Council might not be allowed to pass into law. The petitions were received, read, and ordered to be printed.

To His Excellency the Governor of New Zealand, and the Members of the Legislative Council, now assembled.

This Memorial of the Ministers and Office-bearers of the Wesleyan Methodist Church, worshipping in Auckland, on behalf of the Wesleyan Methodist Churches and Congregations in this Colony: Sheweth—

1. That the Ministers of the Church to which they belong are allowed in England to perform the ceremony of Marriage, in virtue of their Ordination, and without further authority from the civil power.
2. That a just concern for their privileges as a religious community, compels them to express their dis-

sent from the principle on which the Marriage Bill, now before your honourable Council, is framed; viz., That there exists a Religious Establishment in this colony.

3. They therefore pray that any Bill relating to the celebration of Marriage in this colony, that may be adopted by your Excellency in Council, may be framed on the principle of an 'Order in Council,' given by her Majesty the Queen, in September, 1838, for the regulation of Marriages in the West India Colonies, and securing to all Christian denominations their just rights, as follows:—"It shall be lawful for any Minister of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, according to the usage of the persuasion to which he may belong, to publish banns, &c. &c. &c." to which document we beg to refer your honourable Council,

And your Petitioners will ever pray, &c.,
(Signed)

THOS. BUDDLE, Wesleyan Minister, and Others.

Unto His Excellency the Governor of New Zealand, and the Members of the Legislative Council, now Assembled.

This Memorial of the undersigned, Matthew Whytlaw, Merchant, residing in Auckland—most respectfully sheweth:—

That your Memorialist has observed with surprise and concern, that a Bill has been introduced to the Council, for regulating the law of Marriage in New Zealand; in which the principle is laid down, that one denomination of Christians should enjoy superior privileges to others, with reference to solemnizing the rite of Marriage; by which, not only Ministers of the Free Church of Scotland, of which your Memorialist is a member, who may reside in this colony, but those of other denominations than the United Churches of England and Ireland, will be deprived of the privileges they enjoy in other colonies, as well as in Great Britain.

That as marriage involves in it not merely civil but religious obligations, which will be seriously affected by the said Bill, if passed into a law—your Memorialist humbly contends, that to legislate in any way with reference to the latter, belongs exclusively to the Church of Christ: and that this principle has been fully recognised in the bill recently introduced to Parliament, to "Amend the Law of Scotland affecting the constitution of Marriage," [where it is, declared that registration according to the provisions of an Act passed in the same session of Parliament, "shall, of itself, constitute marriage,"—leaving the religious rites and ceremonies to be performed according to the practices of the Christian Churches of "every sect or persuasion, by whatever name or denomination known."

That your Memorialist is aware that a very large portion of the community are opposed to the principle of the said Bill, and that if time were given, would express dissent from it.

May it therefore, please your Excellency and the honourable Council, not to pass the said Bill into law, and your Memorialist shall ever pray,
(Signed) MATTHEW WHYTLAW.

The Colonial Secretary moved the order of the day for the third reading of the 'Slaughter-house bill.'

Bill read a third time and passed.

The Attorney General moved the order of the day for the second reading of the Marriage bill.

Bill read a second time, and on the motion of the Attorney General, Council went into committee on the said bill.

On the reading of the first clause, committee adjourned until Saturday, the 4th instant.

On the motion of the Attorney General, Council went into committee on the 'Impounding Bill.' Schedules read and agreed to, and the report brought up and adopted.

Council adjourned at 4 o'clock, until 2 o'clock on Saturday, the 4th instant.

GODFREY J. THOMAS,
Clerk of Council.

Colonial Secretary's Office,
Auckland, 16th September, 1847.

HIS Excellency the Governor has been pleased to appoint

MR. JAMES ELLIOTT,

to be Clerk to the Magistrates at Auckland, from the 1st instant

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

NOTICE OF ASSIGNMENT OF AN INSOLVENT'S ESTATE.

NOTICE is hereby given, that by an Indenture of Assignment dated the 30th day of July, in the Year of our Lord One thousand eight hundred and forty seven, between Robert Tod, late of Nelson, in the Colony of New Zealand, but at present residing in the City of Sydney, in the Colony of New South Wales, Gentleman: of the first part, Clark Irving, of Sydney, aforesaid Accountant (Trustee for the purposes thereafter mentioned:) of the second part, and the several persons who had by themselves or their agents executed the said Indentures being the Creditors of the said Robert Tod: of the third part, the said Robert Tod did grant, bargain, sell, release, and confirm, assign, transfer, and set over unto the said Clark Irving his Heirs, Executors, Administrators and Assigns, all the Real and Personal Estate and Effects whatsoever and wheresoever of him the said Robert Tod for the benefit of all the Creditors of the said Robert Tod, and that the said Indenture was executed by the above named Parties thereto of the first and second parts respectively in the presence of, and attested by Stuart Alexander Donaldson, of the City of Sydney aforesaid, Esquire, one of Her Majesty's Justices of the Peace, and that the same Indenture is now lying at the office of Mr. William Spain, No. 308, Pitt Street, Sydney, aforesaid for inspection and execution.

Dated this tenth day of August, in the Year of our Lord One thousand eight hundred and forty seven.

ROBERT TOD,
CLARK IRVING.

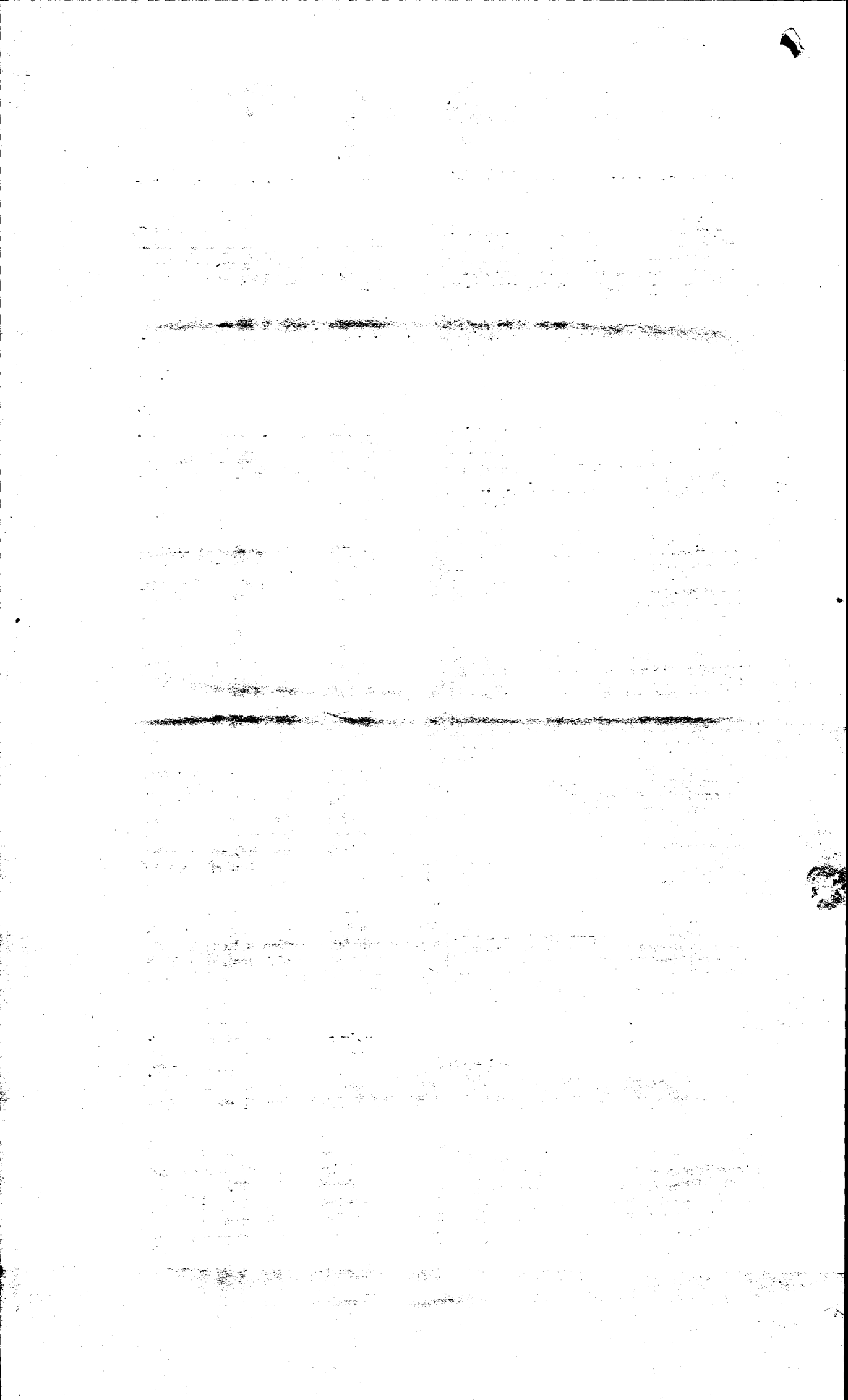
Signed by the said Robert Tod and Clark Irving in the presence of

STUART A. DONALDSON, J. P.

NOTICE IS HEREBY GIVEN,

THAT all Partnership concerns between us the Undersigned, at Auckland, in the Trade or Business of Masons and Builders, were dissolved by mutual consent, on and from the 5th day of April, 1847.

As witness our hands the } W. GREENWOOD,
30th day of August, 1847. } CHAS. LOWSON.



RETURN MOVED FOR BY MR. BROWN

LAI D ON THE TABLE

A Return of all Applications for Licenses to occupy Government Lands or Native Lands possessed by the Natives—whether purchased by Government or by Private Individuals (if acceded to or refused), with the grounds of such refusal; the sums of money (if any) paid for the Lands so leased.

Date of Application.	Name of Applicant.	Locality of Land applied for.	Ownership of the Land.	Use proposed to be made of the Land.
1846.				
November 23	Daniel Pollen	Town Lot 16, Sec. 7	Government	For cultivation
"	E. Jamieson	Okura Creek	Government purchase	For sawing timber
"	J. Hampson	Do	Do	Do
"	30 Matthew Lawry	Auckland	N. Z. Company's reserve	For cutting timber and burning
December 7	W. Mason	Tamaki	Native reserve	Depasturing and for cultivation
"	15 Ed. Waters	Papakura	Do	For depasturing
"	W. Buckland	Do	Do	Do
"	19 John Robertson	Mahurangi	Government purchase	For sawing timber
"	20 James Price	Okura Creek	Do	For splitting stone
"	4 D. B. Cochrane	Hokianga	Government—Exchanged claim	For sawing timber
1847.				
January 7	George Skey	Rangitoto	Government	Fishing station
"	9 W. C. Daldy	Waitemata	Do	For cutting timber
"	14 Thomas Florance	Wangaroa	Government—Exchanged claim	General purposes
"	25 G. F. Russell	Hokianga	Do	For cutting timber
February 25	J. McGeachie	Mahurangi	Government purchase	Do
March 3	H. Figg	Takapuna	Do	For depasturing
"	5 Andrew Rooney	Freeman's Bay	Government reserve	Slaughter-house
"	9 T. Parr and others	Near Mount Eden	Government	Residence
"	13 C. Dyer	Mahurangi	Do	For cutting timber
April 20	C. Ferry	Auckland, Smales's Point	Government reserve	For burning
"	21 W. Smithson	Freeman's Bay	Government	For erecting
"	23 Walker, Bolton and Nicholas	Coromandel	Natives	To fell 300
"	24 W. C. Daldy	Hellier's Creek	Do	For cutting timber
May 7	W. Hart	N. side of Tamaki Road	Do	Do
"	1 J. A. Brown	Mahurangi	Government	For sawing timber
"	3 Henderson and Macfarlane	The Wahu	Pre-emption purchase of Applicants	Do
"	E. Williams	Omopua	Natives	Do
"	5 J. C. Blackett	Cooper's Bay	Government reserve	For cultivation
"	R. Thomson	The Wahu	Pre-emption purchase of Applicant	For sawing timber
"	6 J. Waite	Lucas Creek	Do. of S. A. Wood	For cutting timber
"	Scullen and Edwards	Okura Creek	Government	For sawing timber
"	11 John Oakes	Lucas Creek	Pre-emption purchase of S. A. Wood	For cutting timber
"	14 J. Robinson	N. side of Tamaki Road	Natives	For cutting timber
"	18 W. Truett	Hokianga	Government—Exchanged claim	For depasturing
"	21 Stone and Langford	Lucas Creek	Pre-emption purchase of Applicants	For sawing timber
"	Mary Faire	Paremarema	Do	Do
"	22 Thomas Larkin	Okura Creek	Do	Do
June 7	W. Lewis	Pukaki	Government	For depasturing
"	9 Hampson and Ryan	Okura Creek	Pre-emption purchase of Applicant	For sawing timber
"	15 James Rillie	Do	Do	Do
"	21 Willson and White	Do	Pre-emption purchase of Applicants	Do
"	23 C. Cowley	Paremarema	Do. of T. F. McGauran	Do
July 7	W. Hart	Muddy Creek, Manukau	Natives	Do
"	9 W. Trice	Mangamangaroa	Do	Do
"	12 R. Dacre	Tamaki	Pre-emption purchase of Applicant	General use
"	Joseph Hill	Do	Do	Cutting timber
"	14 Thomas Canty	The Wahu	Do. of R. Thomson	Do
"	16 Isaac Merrick	Waiheke	Natives	Do
"	19 Day and Buckley	Manukau	Do	For sawing timber
"	James Jackson	Do	Do	Do
"	20 C. Fulton	Do	Pre-emption purchase of Applicant	Do
"	3 J. J. Merrett	Do	Do	For a residence
August 10	M. Whytlaw	Wangarei	Natives	Procuring lime and free stone
"	13 James Boyd	Between Waitemata and Kaipara	Do	For depasturing
"	31 H. Scullen	Okura Creek	Government	For cutting timber
October 7	C. McCreedy	Do	Do	Do
"	Molony and Congdon	Titirangi	Do	Do

Colonial Secretary's Office,

Auckland, 14th October, 1847.

COUNCIL.

ON THE 14TH OF OCTOBER, 1847.

OCTOBER, 1847.

since 16th November, 1846, distinguishing whether the Lands so applied for are
 avals; also, the name of the applicant; the result of the application, (whether
) paid for Licenses where granted; and the use proposed to be made of the

Result of Application.	Fees.	Reason for Refusal.	Remarks.
Put up to auction	12		Purchased by Lieut.-Col. Wynyard
Granted for three months	17 4s.		Not taken out
Do	17 3s.		
Refused		Not at disposal of Govt.	
Put up to auction	10		Purchased by applicant
Do	10		Do
Do	16		Not purchased
Granted	5		Not taken out
Do. for three months	17 3s.		
Do. for twelve months	5		
Do	5		Not taken out
Do	5		
Do	5		
Do	5		
Do	5		
Do. for three months	21 10s.		Put up to auction, for 12 months, 21 June, and purchased by applicant, at £1
Put up to auction	3		Purchased by E. George
Granted	1s. each		
Do	5		
Put up to auction	15		Purchased by applicant
As a lease could not be granted for more than one year, the application was not acted on.			In completion of agreement with the Ch Paora te Rutu for purchase of a vessel
Granted	No fee		
Under consideration			
Refused		Objection on part of Natives	Applied for a 2nd time, and again refus
Granted	5l.		
Government will not interfere, but a License cannot be granted	No fee		
Granted	3l.		Not purchased
Put up to auction		Disputed Claim	
Refused		License cannot be granted	
Government will not interfere, but a License cannot be granted	5l.		
Granted	5l.		
Government will not interfere, but a License cannot be granted	5l.		Request twice renewed, and refused ea time
Refused		Objection on part of Natives	
Granted	5l.		
Government will not interfere		Disputed Claim	
Refused			
Granted	5l.		
Do	No fee		
Do	5l.		
Do	5l.		
Government will not interfere		Notice of 15th Dec., 1846	
Refused		as applicant is not complain	ed of by the Natives
Government will not interfere so long			
Under consideration		Govt. have no power to comply	
Refused			
Government will not interfere			
Granted	5l.		
Do	5l.		Not taken out.
Under consideration			
Under consideration			
Government will not interfere			
Granted	No fee		
Refused		Until regulations are issued	
Land shall be purchased by Government, if possible		for leasing Native Lands	
Granted	5l.		
Under consideration			
Under consideration			

ANDREW SINCLAIR,

COLONIAL SECRETARY.

