



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, and are to be obeyed accordingly.

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL II.] AUCKLAND, TUESDAY, MARCH 28, 1854. [No. 7.

PROCLAMATION.

By His Excellency Lieutenant - Colonel ROBERT HENRY WYNARD, Companion of the Most Honourable Order of the Bath, the Officer administering the Government of the Islands of New Zealand, &c., &c., &c.

WHEREAS by an Act made and enacted in the Parliament holden in the 15th and 16th years of the reign of Her Majesty Queen Victoria, intituled, "An Act to grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that whenever any Bill shall have been assented to by the Superintendent as in the said recited Act provided, the Superintendent shall forthwith transmit to the Governor an authentic copy thereof; and it shall be lawful for the Governor at any time within three months after any such Bill shall have been received by him, to declare by Proclamation his disallowance of such Bill; and that such disallowance shall make void and annul the same, from and after the day of the date of such Proclamation or any subsequent day to be named therein. *And whereas* an Ordinance hath been enacted by the Superintendent of the Province of Wellington, with the advice and consent of the Provincial Council thereof, intituled "An Act

to enable the Judge of the Supreme Court of New Zealand at Wellington to exercise certain powers vested in the Superintendent in case of the absence of the Superintendent from the Province," Session 1, No. 27; and the said Ordinance was received by me on the eighteenth day of March, 1854; *And whereas* it is expedient that the said recited Act should be disallowed: Now, therefore, I, the Officer administering the Government of New Zealand, in pursuance of the authority vested in me in that behalf by the said Act of Parliament, do hereby proclaim and declare my disallowance of the said recited Ordinance.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand at Auckland, in the Islands aforesaid, this twenty-third day of March, in the seventeenth year of the reign of Her Majesty Queen Victoria, and in the year of Our Lord one thousand eight hundred and fifty-four.

R. H. WYNARD,

The Officer Administering the Government of the Islands of New Zealand.

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

GOD SAVE THE QUEEN!

Colonial Secretary's Office, Auckland,
25th March, 1854.

HIS Excellency the Officer Administering the Government, has been pleased to direct that the following Instructions under Her Majesty's Signet, and Sign Manual which accompanied the New Zealand Constitution Act should be published for general information.

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

(L.S.) INSTRUCTIONS to our trusty and well-beloved Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, our Governor and Commander-in-Chief in and over the Islands of New Zealand, or to our Lieutenant-Governor, or the Officer for the time being Administering the Government of the said Islands, given at our Court at Balmoral, this thirteenth day of September, 1852, in the sixteenth year of our Reign.

Whereas by our Commission under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-third day of December, one thousand eight hundred and forty-six, in the tenth year of our reign, We constituted and appointed you to be our Governor-in-Chief in and over our Islands of New Zealand, our Governor and Commander-in-Chief in and over our Province of New Ulster, and our Governor and Commander-in-Chief in and over our Province of New Munster, and did require and command you to do and execute all things that should belong to your said command according to, and in pursuance of, an Act made and passed 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 according to, and in pursuance of, certain Letters Patent, which were issued by us under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-third day of December, one thousand eight hundred and forty-six, in the tenth year of our reign, and according to, and in pursuance of, the Instructions under our Sign Manual and Signet referred to, and accompanying the said Letters Patent, and of such other Instructions as should at any time hereafter be granted, or appointed you under our Sign Manual and Signet,* or by our

order in our Privy Council, or by us through one of our principal Secretaries of State, and according to such Laws as were or should be in force in our said Islands of New Zealand and in the Provinces thereof.

And whereas by an Act made and passed in the Parliament holden in the fifteenth and sixteenth years of our reign, intituled "An Act to grant a Representative Constitution to New Zealand," the aforesaid recited Act of Parliament, Letters Patent and Instructions, have been repealed so far as the same are repugnant to, or would prevent or interfere with the operation of the said recited Act, made in the fifteenth and sixteenth years of our reign, or of any Letters Patent or Instructions to be issued by us under the authority or in pursuance of the said Act.

And whereas by our commission under the Great Seal of our United Kingdom of Great Britain and Ireland, we have constituted and appointed you to be our Governor and Commander-in-Chief in and over our Islands of New Zealand, and have required and commanded you to do and execute all things that shall belong to your said command, according to and in pursuance of an Act made and passed in the Parliament holden in the fifteenth and sixteenth years of our reign, and of any Letters Patent or Instructions to be issued under the authority, or in pursuance of the said Act.

Now know you, that we have revoked and determined, and by these our Instructions, under our Sign Manual and Signet being the Instructions so referred to in and accompanying our Commission to you as our Governor and Commander-in-Chief in and over our Islands of New Zealand, do revoke and determine all those Instructions under our Sign Manual and Signet which are referred to in and accompanying our said Letters Patent of the twenty-third day of December, in the tenth year of our reign, and all Additional Instructions under our Sign Manual and Signet which have been given to you subsequently to the said date, so far only as the said Instructions and Additional Instructions are repugnant to the said Act made in the Parliament holden in the fifteenth and sixteenth years of our reign.

And whereas by our said commission we have authorised you to summon as an Executive Council such persons as should from time to time be named or designated by us, in any Instructions under our Signet and Sign Manual to be addressed to you in that behalf.

Now we do by these our Instructions nominate and appoint the undermentioned persons to be the Members of the Executive

* Being the following Additional Instructions, viz.:

December 22nd 1847.	}	Altering amount of royalty on Minerals.
March 13th 1848.		Alienation of land in exchange for other Lands.
July 14th, 1848.	}	Aborigines.
January 27th 1849.		Amends Instructions as to extension of Rural lots, &c.
January 14th 1850.	}	Confirms appointment of Legislative Councillors of New Munster.
February 7th 1850.		Lands for Naval and Military Officers, &c.

August 12th 1850.	}	Application of proceeds of Land Sales.
August 12th 1850.		Contracts between New Zealand Company and Canterbury Association, &c.
March 11th 1852.	}	Authorises persons temporarily occupying Crown Lands to cut timber thereon.

Council; that is to say, the Senior Military Officer for the time being in command of our Land Forces in our said Islands, the Colonial Secretary of and for our said Islands, or the person for the time being lawfully acting in that capacity; the Attorney-General of and for our said Island, acting in that capacity; the Treasurer of and for our said Islands, or the person for the time being lawfully acting in that capacity, and such other persons as you shall deem to be qualified and capable to advise you. Provided, nevertheless, that any appointment so to be made by you of any person not hereinbefore expressly designated to be an Executive Councillor shall be provisional only, and subject to be confirmed or disallowed by us.

And we do declare our pleasure, to be that you do forthwith communicate to our said Executive Council these our instructions and likewise all such others from time to time wherein their consent and concurrence are requisite, and as you shall find convenient for our service to be imparted to them.

And we do hereby, and it is our pleasure that our said Council shall not proceed to the despatch of business unless duly summoned by your authority, and unless two members at least exclusive of yourself, or, in your absence, exclusive of the member presiding, be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

And it is our will and pleasure, that you do attend and preside at the meetings of our said Executive Council, unless when prevented by some necessary and reasonable cause, and that in your absence the senior member of the Council actually present shall preside at all such meetings, the seniority of the members of the said Council being regulated according to the order in which their respective offices hereinafter mentioned.

And we do further direct and command that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes, and resolutions of our said Executive Council, and that at each meeting of the said Council the minutes of the last preceding meeting shall be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business.

And it is our further will and pleasure, and we do hereby command you that in the execution of the several powers and authorities granted and committed to you, by our said Charter and Commission, and these our Instructions, or by any additional Instructions hereafter to be given to you by us, you do in all things consult and advise with our said Executive Council, and that you do not exercise the powers and authorities aforesaid, or any of them, except by and with the concurrence and advice of our said Executive Council, save and except only in such cases as are hereafter saved and excepted, that is to say: Provided always that nothing herein

contained shall extend to prevent your exercising without the advice and consent of our said Executive Council, the several powers and authorities or any of them which may be of so urgent and pressing a nature as not to admit of the delay unavoidably incident to the deliberation of our said Council. It is nevertheless our pleasure that the measure adopted by you without the advice of our said Executive Council upon any such emergency shall with all convenient speed be by you brought before our said Executive Council for their revision or sanction: Provided also that nothing herein contained shall prevent your exercising the several powers and authorities aforesaid, or any of them, without the advice and concurrence of our said Executive Council, in any case, or upon any occasion which may yet appear to you to be sufficiently important to require their assistance and advice, or which may be of such a nature that in your judgment our service might sustain material prejudice by consulting our said Executive Council thereupon.

And it is our further will and pleasure, that no question shall be brought before our said Executive Council for their advice or decision excepting only such questions as may be proposed by you for that purpose. Provided nevertheless, and it is our will and pleasure, that if any member shall deem it expedient that any question should undergo the deliberation of the said Executive Council, and shall by application in writing to you request and propose that such question should be so discussed, it shall be competent to any such member to enter upon the minutes of the said Executive Council such his written application to you, together with the answer which may be returned by you to the same. And it is our will, and we do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part or of the whole of our said Executive Council upon any question brought by you under their consideration, it shall be competent to you upon any such occasion to execute the powers and authorities vested in you by our Commission and these our Instructions in opposition to such their opinions, it being nevertheless our pleasure that in every case it shall be competent to any member of our said Council to record at length, on the minutes of the said Council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council; and it being also our pleasure that, in the event of your acting upon any occasion in opposition to the advice of the whole or the major part of the said Executive Council, you do by the first opportunity transmit to us, through one of our principal Secretaries of State, a full explanation of the grounds of every such measure, together with complete copies of the minutes if any of the said Executive Council relating thereto. And we do further direct that twice in each year a full transcript of all the minutes of the Exe-

cutive Council of the preceding half-year be transmitted to us through one of our principal Secretaries of State.

And whereas by the said recited Act of Parliament, made and passed in the fifteenth and sixteenth years of our reign, it is amongst other things enacted that there shall be within the said Colony of New Zealand a General Assembly to consist of the Governor, Legislative Council, and House of Representatives; and it is further enacted and provided that it shall be lawful for us, by any instrument under our Royal Sign Manual, to authorise you in our name to summon to the said Legislative Council the number of persons therein designated, and also to summon such other person or persons as we shall think fit.

Now therefore, in pursuance of the said Act, and in exercise of the powers thereby vested in us, we do, by these Instructions under our Sign Manual, authorise you in our name to summon to the said Legislative Council, such persons being not more than fifteen nor less than ten, as you shall deem to be prudent and discreet men, and likewise to authorise you to summon to the said Legislative Council such other person or persons as you shall deem to be prudent and discreet men, for supplying any vacancy or vacancies that may happen in the said Legislative Council or otherwise, so that the whole number of members of the said Legislative Council shall not at any one time exceed fifteen.

Provided, however, that no person shall be summoned by you to the said Legislative Council who shall not be of the full age of twenty-one years and our natural born subject, or our subject naturalised by Act of Parliament or by an Act of the Legislature of New Zealand.

V. REG.

Sir GEORGE GREY, K. C. B.,
Instructions,
New Zealand.

Colonial Secretary's Office, Auckland,
27th March, 1854.

HIS Excellency the Officer administering the Government has directed the publication of the following notice for general information.

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

NOTICE TO MARINERS.

Harbour Master's Office,
Auckland, 20th March, 1854.

A SUNKEN ROCK, half a mile N.W. by N. of Takapuna head, which is the first point of land outside the North head.

This Rock has one foot water on it at low water spring tides, and three fathoms close to on every side, and from which the following magnetic bearings are taken:—Flag Staff, S. 3° E.; extreme of North head, S. 39° E.; Buoy on Rough Rock, S. 65° E.

and Peak of Rangitoto, N. 51° E. A cask buoy, painted black, has been placed on the north side of it.

I. J. BURGESS,
Harbour Master

Colonial Secretary's Office, Auckland,
28th February, 1854.

THERE being reason to apprehend that the requirements of the Laws relating to the Registration of Births, Deaths, and Marriages are not sufficiently known, and that the importance of compliance with them is not adequately appreciated, the following Summary of certain of the provisions which relate to cases of most usual occurrence, has been compiled from the Registration Ordinance, Session 8, No. 9, and the Marriage Ordinance, Session 8, No. 7, and is published for general information. Considering the advantages which,—in future years, and under circumstances likely to arise frequently—individuals and families may derive from the existence of a legally authenticated record of Births, Deaths, and Marriages; and, moreover, the benefit to statistical science which may be anticipated from a regular and complete system of registration in this and other countries, it is earnestly hoped that not only the persons who are bound to make the several entries and returns will strictly attend to the requirements of the Ordinances, but also that Ministers, Magistrates, and the intelligent Settlers generally will aid in extending a knowledge of the Law, and explaining the value of the system in their respective neighbourhoods.

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

BIRTHS.

Clause 9 of the *Registration Ordinance* provides that the father or mother of any child born, or the occupier of every house or tenement in the colony of New Zealand in which any Birth shall happen, shall, under a penalty not exceeding £10, within 42 days give notice of such Birth to the Deputy Registrar of the district. In case of any new-born child found exposed, a constable of the district shall forthwith give information to the Deputy Registrar.

After the expiration of 42 days, at any time within six calendar months following the day of the Birth of a child, the Birth may be registered, provided that the father or mother, or some person present at the birth of the child, shall make a solemn declaration of the particulars required to be known. In this case, a fee of 10s. 6d. is to be paid. After six months from the day of birth, no registration can be lawfully made. (Clauses 12, 13, 15, 16.)

DEATHS.

The occupier of every house or tenement in which any Death shall happen, is required, under a penalty not exceeding £10, to give notice within ten days to the Deputy Registrar of the district. In case of a dead body being found exposed, the Coroner shall forthwith inform the Deputy Registrar; and in every case in which an inquest is held, the Jury shall inquire into the particulars required to be registered, and the Coroner shall

inform the Deputy Registrar of the finding of the Jury. (Clauses 9, 18.)

The undertaker, or other person having charge of a funeral, is to deliver to the Officiating Person or Minister who shall be required to bury, or to perform any religious service for the burial of any dead body, a certificate from the Deputy Registrar that the death has been duly registered. If a dead body be buried without such certificate, the person who buries or otherwise disposes of the body, shall forthwith give notice to the Deputy Registrar. (An excepted case is, when the Coroner, upon holding an inquest, may think fit to give an order in writing that the body shall be buried before registry of the death.) Any person who shall bury, or perform any funeral or religious service for the burial of a dead body, without a certificate from either the Deputy Registrar or the Coroner, and who shall not within one month give notice thereof to the Deputy Registrar, shall forfeit and pay any sum not exceeding £10 for every such offence, to be recovered in a summary way. (Clauses 21, 22.)

As respects both Births and Deaths, Clause 10 of the *Registration Ordinance* provides that the master or keeper of every Gaol, Prison, House of Correction, or Hospital, or Lunatic Asylum, or Public or Charitable Institution, shall, for the purposes of this Ordinance, be deemed the occupier thereof;—and clause 20 provides that every person by whom information of a Birth or Death is given, must sign and attest his name, description, and place of abode in the Register.

MARRIAGES.

According to the *Marriage Ordinance*, "Officiating Ministers" for the purposes of the Ordinance are those Ministers of religion whose names have been sent to the Registrar-General certified under the hands of the Head, or reputed Head, within the colony, of one of the Religious Bodies named in Schedule E. annexed to the Ordinance. These Bodies are, the United Church of England and Ireland; the Church of Scotland; the Free Church of Scotland; all Presbyterian Congregations; the Roman Catholic Church; and the Wesleyan Methodist Society. The several Heads of these Bodies shall, upon the suspension or deprivation of any Minister, forthwith certify such suspension or deprivation to the Registrar-General. (Clauses 39—41.)

The *Registration Ordinance* provides that every Officiating Minister, or person acting as such, and every Deputy Registrar, immediately after a Marriage solemnized by him, or which may have taken place in his presence, shall register in a book to be kept for that purpose the several particulars relating to such Marriage, according to the form in Schedule C. annexed to the Ordinance. Refusal, or omission without reasonable cause, to make such registration, is punishable by penalty not exceeding £50 for every such offence. (Clauses 23, 33.)

Every Officiating Minister, or Person, or Deputy Registrar, before whom any Marriage is solemnized or hath taken place, shall, in the months of January, April, July, and October, respectively, make and deliver to the Registrar-General a true copy, certified under his hand, of all the entries of Marriages in the Register Books kept by him since the last certificate. If there be no Marriage entered therein since the last certificate, he shall certify the fact under his hand. (Clause 25.) Every person required to make and deliver such a certified copy, or certificate, to the Registrar-General, and who, after being duly required, shall refuse, or, during one calendar month, neglect to do so, shall be liable for every such offence to a penalty not exceeding £10.

REGISTRATION OF BIRTHS, DEATHS, &c.

NOTICE is hereby given that the hours of attendance for the Registration of Births, Deaths, &c., at the Office, in Chapel-street, Auckland, are from eleven, a.m., to two, p.m., daily (Sundays and holidays excepted).

JOHN B. BENNETT,
Registrar-General.

Registrar-General's Office,
March 21, 1854.

Colonial Secretary's Office, Auckland,
23rd March, 1854.

HIS Excellency the Officer administering the Government has been pleased to direct that the name of the undermentioned gentleman should be added to the Commission of the Peace for the Province of Wellington.

JOHN TYLSTON WICKSTEED, Esq.

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

Colonial Secretary's Office, Auckland,
28th March, 1854.

HIS Excellency the GOVERNOR has been pleased to appoint

WILLIAM HULME, Esquire,

to be Postmaster for the Province of Auckland.

This appointment to date from the 1st January last.

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

Colonial Secretary's Office,
Auckland, 27th March, 1854.

HIS Excellency the Officer administering the Government has been pleased to direct the publication of the following By-Laws for the Hundred of Onehunga, which have received His Excellency's assent, and which will come into operation on the 1st May, 1854, according to the provisions of the Crown Lands' Ordinance.

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

BY-LAWS OF ONEHUNGA HUNDRED.

1. That all Cattle depasturing on the aforesaid Waste Lands of the Crown shall be branded on some conspicuous part of the body with the Owner's registered or returned brand, under a penalty of two shillings and sixpence per head for each and every omission.

2. That each and every person who shall depasture Cattle above his proportion on such Waste Lands, shall be assessed, and is, and are, hereby assessed for each and every head of great Cattle, the sum of sixpence per

quarter; and for each and every head of Sheep, the sum of one penny per quarter, payable quarterly, in advance; and that Cattle for any portion of time within any quarter, shall be chargeable, and paid for as if running the entire quarter.

3. That the assessment hereby made shall be paid to the Ranger, or any other person duly authorised by the Wardens of the said Hundred, quarterly, in advance.

4. That all persons depasturing Cattle as aforesaid, in the first week of January, April, July, and October, give notice in writing, duly signed by him or her, to the Ranger for the time being of the said Hundred, or other authorised person, of the number of Cattle then running, and bearing his or her brand, and being bonâ fide his or her property, as also of the number of Cattle, if any, hired of or from any other person, and whom, and particulars of the brand any such hired Cattle may bear, the said Return to be left at the residence of either of the Wardens for the aforesaid Hundred under a penalty of ten shillings for the first omission, and (£1) one pound for every further omission.

5. That no person shall run any Cattle upon the said Waste Lands but such as shall be his or her own property, or bonâ fide hired by him or her.

6. That each and every person depasturing Cattle as aforesaid, shall at all times, when required by the Ranger, or any other person duly authorised by the Wardens of the afore-

said Hundred, give, in writing or otherwise as the Ranger or such person authorised may require, full and correct information of the number of Cattle running on his or her account; and any person refusing to give such information, or giving false or evasive information, shall forfeit and pay the sum of (£1) one pound for each and every such offence.

7. That no entire male Cattle, great or small, shall be allowed to run upon any part of the said Waste Lands without the consent, in writing, of two of the Wardens at least, under a penalty of twenty shillings for each and every offence; and any entire male Cattle found upon the said Waste lands, without consent as aforesaid, shall be deemed and treated as Cattle trespassing.

8. That any person worrying Cattle by driving them with dogs, or otherwise, off the said Waste Lands, or other unenclosed Lands, not in the lawful occupation of the person so driving off such Cattle, shall forfeit and pay the sum of (£2) two pounds for the first offence, and (£3) three pounds for the second offence, and (£5) five pounds for the third and every further offence.

HENRY HAYR, } Wardens.
PATRICK DONOVAN, }

N.B. The Wardens of the Onehunga Hundred deem it a duty to call the attention of the Licence Holders to By-Law No. 4, as they intend to enforce the penalty in all cases.