



# 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 to Persons to whom they may relate, and are to be obeyed accordingly.

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary

VOL. III.] AUCKLAND, FRIDAY, DEC. 14, 1855. [No. 30.

Colonial Secretary's Office, Auckland,  
12th December, 1855.

IN conformity with the directions of his Excellency the Governor, it is hereby notified for general information that a Writ for the Election of a Superintendent of the Province of Nelson having been issued, in accordance with the provisions of an Act to grant a Representative Constitution to the Colony of New Zealand, the Principal Returning Officer for the aforesaid Province has returned the said Writ, with a certificate to the effect that the undermentioned gentleman has been duly elected to serve as Superintendent of the Province of Nelson.

EDWARD WILLIAM STAFFORD, Esquire,  
of Nelson.

By His Excellency's command

ANDREW SINCLAIR,  
Colonial Secretary.

Colonial Secretary's Office Auckland,  
12th December, 1855.

IN conformity with the directions of His Excellency the Governor, it is hereby notified, for general information, that Writs for the Election of Members of the House of Representatives for the undermentioned Districts in the Lands of New Zealand having been issued, in accordance with the provisions of an Act to grant a Representative Constitution to the Colony of New Zealand, the Returning Officers for the said several Districts have returned the said Writs, with certificates, to the effect that the undermentioned gentlemen have been duly elected to serve as Members

of the said House of Representatives for the said several districts:—

## NEW PLYMOUTH.

*For the Town of New Plymouth.*

Charles William Richmond, Esquire.

*For the Grey and Bell District.*

Charles Brown, Esquire.

*For the Omata District.*

Alfred William East, Esquire.

## AUCKLAND.

*For the Bay of Islands.*

Hugh Carleton, Esquire.

## NELSON.

*For the Town of Nelson.*

Edward William Stafford, Esquire.

Alfred Domett, Esquire.

*For the Waimea District.*

William Thomas Locke Travers, Esquire.

Charles Elliott, Esquire.

*For the Motueka and Massacre Bay District.*

Charles Parker, Esquire.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

Colonial Secretary's Office,  
Auckland, Dec. 12, 1855.

HIS Excellency the Governor has been pleased to direct that the following Despatches from Her Majesty's Secretary of

State, be published for general information.

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

Downing-street,  
24th May, 1855.

SIR,—  
Circumstances having led me to suppose that the provisions of the "Act to amend the Law of Evidence," 14th and 15th Vict., c. 10, have not been fully brought to the notice of the local Governments and Authorities of all Her Majesty's Colonies. I take this opportunity of directing your attention to them.

2. The important clause for the present purpose is section 11, which renders documents, made admissible in evidence in England and Wales by former sections of the Act, equally admissible in the Colonies.

\* \* \* \* \*

I have, &c., &c.,  
(Signed) J. RUSSELL.

Governor Col. Gore Browne,  
&c., &c., &c.

*Clause alluded to in the foregoing Despatch.*

"XI. Every Document which by any Law now in force or hereafter to be in force is or shall be admissible in Evidence of any Particular in any Court of Justice in England or Wales or Ireland without Proof of the Seal or Stamp or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same, shall be admitted in Evidence to the same Extent and for the same Purposes in any Court of Justice of any of the British Colonies, or before any person having in any of such Colonies, by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, without Proof of the Seal or Stamp, or Signature authenticating the same, or of the judicial or official Character of the Person appearing to have signed the same."

Downing-street,  
23rd May, 1855.

SIR,

As serious mischief may ensue from provisions introduced into some Colonial enactments, rendering it compulsory on the Government to surrender the property of the Crown to Commissioners of Railways for Railway purposes, I have to instruct you on no occasion to assent to any Acts which give power to Railway Commissioners or other authorities to take Land appropriated for Naval or Military purposes, without the consent of Her Majesty, signified by a Secretary of State.

I have, &c., &c.,  
(Signed) J. RUSSELL.

Colonial Secretary's Office,  
Auckland, 13th Dec., 1855.

HIS Excellency the Governor has been pleased to direct that the following Despatches from Her Majesty's Secretary of State, respecting the Customs Laws, should be published for general information.

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

Circular,

Downing-street,  
25th May, 1855.

SIR,—

I transmit to you a copy of a correspondence which has passed between this Department and the Lords of the Committee of Privy Council for Trade, on the subject of an omission in the Customs Consolidation Act of 16 and 17 Vict., c. 107. The question which was raised, as the correspondence will show you, at the Cape of Good Hope, appears to be of general application in the Colonies.

I have, &c., &c.,  
(Signed) J. RUSSELL.

Governor,  
Colonel Gore Browne,  
&c., &c.

No. 1.

Office of Committee of  
Privy Council for Trade,  
Whitehall, 7th April, 1855.

SIR,—

I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you, for the information of Her Majesty's principal Secretary of State for the Colonies, the accompanying letter from the Commissioners of Customs, enclosing a letter recently received by them from their Controller at the Cape of Good Hope, together with its enclosures, stating that although in the Customs Consolidation Act of 16 and 17 Vict., c. 107, Section 163, the prohibition contained in the 4th Section of the Navigation Act of 12 and 13 Vict., c. 29, in regard to the carriage of passengers coastwise in Foreign ships in British possessions was re-enacted, yet by some oversight in preparing the Bill for consolidating the Laws, the penalty prescribed by the 21st Section of the Customs Amendment Act of 13 and 14 Vict., cap. 95, was omitted and that His Excellency the Governor of the Cape has, consequently, issued instructions to the Customs Officers in that Colony not to place any impediment in the way of passengers wishing to avail themselves of proceeding coastwise in Foreign vessels to the several ports of the Colony in question, and to meet the apparently defective state of the Law in this respect, the Commissioners of Customs suggest the expediency of re-enacting the penalty prescribed by the 21st Section of the 13th and 14th Victoria, c. 95.

With reference to the foregoing suggestion,

for remedying the omission complained of in the Customs Consolidation Act, I am to state that the necessity for amending the Imperial Act does not appear to my Lords urgent, as their Lordships are not aware of anything to prevent the Colonial Legislature from enforcing, by penalties, the provisions of the Imperial Act when it seems to them desirable that they should be so enforced.

As this however appears to be a question more proper for the consideration of the Secretary of State for the Colonies than for the Department, I am to request to be informed what answer should be given to the Commissioners of Customs.

I have, &c.,  
J. EMERSON TENNENT.

H. Merivale Esq.,  
&c. &c. &c.

(ENCLOSURE IN NO. 1.)

To the Lords of the Committee of Privy Council for Trade.

We beg leave to represent to your Lordships that, by the Navigation Act of the 12th and 13th Vict., ch. 29, passed in 1849, it was enacted,—

“That no Goods or Passengers should be carried from one part of any British possession in Asia, Africa, or America, to another part of the said Possession, except in British ships.”

That by the Customs Amendment Act, 13 and 14 Vict., c. 95, passed in August, 1850, section 21, it was enacted—

“That if any passenger or passengers should be carried by any Foreign ship or vessel contrary to the provisions of the Law of Navigation, the Master of such ship or vessel should forfeit the sum of Five pounds for each and every passenger so carried.”

That in the Customs Consolidation Act of the 16th and 17th Vict., ch. 107, sect. 163, the prohibition contained in the 4th section of the Navigation Act of 12 and 13 Vict., ch. 29, in regard to the carriage of passengers coastwise in Foreign ships in the British possessions in Asia, Africa, and America, was re-enacted; but by some oversight in preparing the Bill for consolidating the Laws, the penalty prescribed by the 21st section of the Customs Amendment Act of the 13th and 14th Vict., ch. 95, above referred to, for carrying passengers in Foreign ships coastwise, contrary to Law, was omitted.

That we have recently received a communication from the Comptroller of Customs and Navigation Laws at the Cape of Good Hope, dated 27th January, 1855, a copy of which, as well as of its enclosures, we beg leave to annex for your Lordships' consideration, and from which your Lordships will observe that, as no specific penalty now attaches by the Imperial Statutes to the carrying of passengers coastwise in Foreign ships, in the British possessions, His Excellency the Governor at the

Cape has issued instructions to the Officers of Customs in that Colony not to place any impediment in the way of passengers wishing to avail themselves of Foreign ships, in proceeding coastwise to the several Ports of the Colony of the Cape of Good Hope;—and we beg leave to add that, with your Lordships' sanction, and upon being favoured with your directions to that effect, we would be prepared to introduce into the first Customs' Amendment Act to be brought before Parliament, the necessary clause re-enacting the penalty prescribed by the 21st section of the 13 and 14 Vict., ch. 95, for the carrying of passengers in Foreign ships coastwise in the British possessions in Asia, Africa, and America.

THOS. F. FREEMANTLE.  
EDWD. SAURIN.

Custom House, London,  
30th March, 1855.

Cape of Good Hope,  
Custom House, Cape Town,  
27th January, 1855.

No. 1.

Honorable Sirs,—

As Comptroller of Her Majesty's Customs, I think it my duty to bring under your Honors' notice the apparently defective state of the Law for carrying out of its own provisions so far as regards the conveyance of Passengers in Foreign ships from one Port to another in the same British possession.

By the Navigation Act, 12th and 13th Victoria, chap. 29, passed in June, 1849, section 4, it was enacted—

“That no Goods or Passengers shall be carried from one part of any British possession in Asia, Africa, or America, to another part of the same Possession, except in British ships.”

By the Customs Amendment Act, 13th and 14th Victoria, chapter 95, passed in August, 1850, section 21, it was enacted—

“That if any Passenger or Passengers shall be carried by any Foreign ship or vessel, contrary to the provisions of the Law of Navigation, the Master of such ship or vessel shall forfeit the sum of Five pounds for each and every Passenger so carried.”

By the Customs Consolidation Act, 1853, section 163, it is enacted—

“That no Goods or Passengers shall be carried from one part of any British Possession in Asia, Africa, or America, to another part of the same Possession, except in British ships.”

On the 20th instant, the Master of the French vessel “Bayadere” carried in that vessel eight Passengers from this Port to Port Elizabeth, and on the same day the Master of the American vessel “Springbok” carried in that vessel three Passengers to Port Elizabeth; such carrying being in both cases, contrary to the Act last quoted, Port Elizabeth being a

part of the same British Possession as that in which Cape Town is situated.

I enclose herewith copy of a communication dated the 20th instant, made to me on this subject by the Local Government, together with a copy of the Attorney-General's Report adverted to therein.

I beg here to remark that since the 1st January, 1850, when the Navigation Act before mentioned came into operation in which the word "Passengers" was introduced, very numerous applications have been made to me, from time to time, to allow passengers to be carried from one part of the Cape Colony to another in Foreign Vessels, which I invariably have refused to permit, under the express terms of the Law in force, from time to time, and the present instances are the only breaches of that Law, which have occurred in this Colony since 1st January, 1850.

It is therefore much to be regretted that all those parties who have obeyed the Law have been injuriously affected, by being deprived of the earnings which they would have derived by conveying passengers in Foreign Vessels.

In conclusion, I would respectfully observe, that I was slow to assume that in an Act, like the Customs Consolidation Act, which appeared to have been so fully discussed in Parliament, so grave a defect should be found to exist, as the want of power to enforce one of its most clear and explicit provisions.

This, however, would appear to be the fact, from the Report of the Attorney General upon which the Local Government has interfered and acted.

I have, &c., &c.,

(Signed) W. FIELD, Comptroller.

The Honorable  
the Commissioners of  
Her Majesty's Customs,  
etc., etc., etc.

COLONIAL OFFICE,  
20th January, 1855.

Mr. Horigham Hudson, late Civil Commissioner of Albany, being desirous of taking a passage to Algoa Bay for himself and two Ladies, in either an American or French ship, both now in this Port, and on the eve of proceeding to the former place, has applied to this Office for information, whether, in the event of their proceeding to Algoa Bay by either of the above-mentioned opportunities, the Colonial Government would institute legal proceedings against them or take any steps for the breach of any local ordinance prohibiting any of Her Majesty's Subjects in this Colony from taking a passage to any Port within its limits, in a foreign Ship.

Having referred the case to the Attorney General, that Officer has given an opinion of which the accompanying is a copy.

His Excellency the Governor, concurring

in Mr. Porters' views, has caused Mr. Hudson to be informed, that he and his friends might proceed to Algoa Bay by either of the opportunities referred to, without fear of legal proceedings.

The French and American Consuls have also been apprized of Mr. Hudson's enquiry and its result, as well as been furnished with the substance of the last section of the Attorney General's opinion.

I am, now, by His Excellency's desire, to direct you to instruct the several Sub-Collectors under your control, to place no impediment in the way of passengers availing themselves of Foreign Ships.

I have, &c., &c.,

(Signed) RAWSON W. RAWSON,  
Colonial Secretary.

The Honorable  
The Collector of Her Majesty's  
Customs, &c., &c., &c.

(Copy) REPORT.

I have read Mr. Hudson's letter, and considered the subject to which it relates.

2. I find in several Acts of Parliament, a clause enacting that no Goods or Passengers shall be carried from any part of any British Possession in Africa to any other part of the same Possession except in a British Ship.

3. The Act 16 and 17 Victoria, Chapter 107, Section 163, is the last of these Acts, which I have access to. The Acts of last Session I have not received.

4. The Act, 12th and 13th Victoria, Chapter 29, contained the same clause, See Section 4,—but this Act provided no Penalty for carrying Passengers by a Foreign Ship, though it did provide a Penalty for carrying Goods, See Section 15. This Act, however, is repealed by the 16th and 17th Victoria, Chapter 107, except as to Sections which are unconnected with this subject.

5. It is strange, that, in this repealing Act, the 16th and 17th Victoria, Chapter 107, there appears to be no express penalty provided, except in regard to the United Kingdom, for carrying even Goods, contrary to the Act; it appears to prohibit both Goods and Passengers, but whilst repealing a former Act, which provided a specific penalty in the case of Goods, though not in the case of Passengers, it provides no specific penalty in the case of either Goods or Passengers.

6. As no entry or warrant would be obtainable for the lading of Goods on a Foreign Ship proceeding from Table Bay to Algoa Bay—(see 16th and 17th Victoria, Chapter 107, Section 167)—this might, perhaps, prevent, in regard to Goods, a breach of the law. But Passengers do not, I presume, need any authority from the Customs for going on board, nor need the vessel carrying them, do anything at the Custom House, as a condition precedent to receiving them on board.

7. If there be no pecuniary penalty pro-

vided, nor forfeiture of the Ship, I know no way of punishing a breach of the law, except by way of Indictment; but such a mode of Proceeding is here wholly out of the case.

8. Why the Colonial Parliament did not last Session, act under the 16th and 17th Victoria, Chapter 107, Section 328, and by address open our coasting trade, or take steps to open it, I know not; nothing more foolish, or more opposed to sound principle and modern policy, can be imagined than this very inconvenient letter, placed, not on the ~~subject~~, but on our own people.

9. But that the Collector of Customs is confined to his bed by serious illness, I should advise a reference to him. He is much more conversant than any other person with the law upon those questions.

10. If there be after all a penalty, which I have been unable to discover, that penalty, not being under our Local Customs' Law, would be one which the Governor would seem to have no lawful authority to remit. But a prosecution by Indictment is, by law, under the Attorney-General's control, and for myself I should not think of prosecuting in such a case as this.

11. It will be seen that the obstacle arises from the national character, not of the Passengers, but of the ships. A French ship could no more take a French Passenger than an English one.

12. I think that the French ship and the American might be both informed, that so far as the Local Government is aware, there is a general prohibition of such ships taking passengers from one Colonial port to another, but that there is no penalty provided except one which the Government has under its control, and will not under the circumstances seek to enforce, and that it is considered by the Government that no risk will be practically run by accommodating in those ships such individuals as are detained here for want of means to proceed to Algoa Bay.

(Signed) W. PORTER.

10th January, 1855.

Downing-street,  
27th April, 1855.

SIR,  
I am directed by the Secretary of State to inform you, in answer to your Letter of the 7th of this month, that he agrees with the opinion of the Lords of the Committee of the Privy Council, that it is not necessary to procure the amendment of the Customs Consolidation Act, 16 and 17 Victoria, c. 107, sec. 163, by the insertion of the omitted penalty on the carriage of passengers from Port to Port in a Colony in Foreign Ships, but that the matter may be safely left to the discretion of the Colonial Legislatures.

I have, &c.,  
(Signed) HERMAN MERIVALE.

Downing-street,  
31st May, 1855.

SIR,—I transmit to you, herewith, a copy of a letter which has been received from the

Assistant Secretary to the Board of Trade in the Marine Department, covering copy of one addressed by him to the Secretary to the Board of Customs, relating to the inconvenience which has arisen with respect to the sale, in this Country, of Colonial Ships registered in the British Possessions abroad, in consequence of the mode in which the changes, effected by the Merchant Shipping Act of 1854, have been brought into operation, and pointing out the steps to be taken, by persons interested in shipping, in order to bring such dealings into accordance with the New System.

In compliance with the wishes of The Lords of the Committee of Privy Council for Trade I have to desire that you will communicate to all Officers employed in the Registry of Ships and, also, as far as may be practicable to all Ship-brokers, Attorneys, Notaries, or others engaged in dealings in Ships, the contents of the letter addressed by the Assistant Secretary of the Board of Trade to the Board of Customs.

I have, &c., &c.,  
(Signed) J. RUSSELL.

*Form of Letter from the Registrar at the Port of Registry de novo, to the Registrar at the Port of original Registry, enclosing application for Transfer.*

Port of  
day of

SIR,—I enclose an application for the transfer of the Registry of the Ship ( ) of your Port to this Port, together with the Certificate of Registry, and a form in which the necessary entries may be made,

The old Certificate and I request that you will Registry must be enclosed cancel the Certificate and a blank form of a fill up and return to me the Letter to be for transferring the Registry, form, pursuant to the provisions of the Merchant Shipping Act, 1854, Sections 89 and 90.

I am,  
Sir,  
Your obedient Servant,  
Registrar of the Port of

Colonial Secretary's Office,  
Auckland, 12th Dec., 1855.

HIS Excellency the Governor has been pleased to direct that the following Despatches from Her Majesty's Secretary of State, respecting the conveyance of Mails to Australia and the Postage on Newspapers, should be published for general information.

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

Downing Street,  
15th June, 1855.

SIR,— I transmit to you herewith a Copy of a Letter from the Secretary to the Postmaster General, reporting that, in addition to the contract concluded with Messrs. Baines & Co., of Liverpool, for the conveyance of Mails to Australia on the 5th of each month

The Postmaster General has entered into a further contract for a like service on the 30th of every month during the remainder of the present year.

It is further stated, as you will perceive, that both contracts provide that Return Mails shall be brought from Australia to Liverpool, and that the dates at which the Packets shall leave Melbourne on the homeward voyage shall be fixed by the Colonial Government at Sydney.

I regret that the information regarding this further arrangement was not received at this Department from the Post Office authorities in time to be communicated to you by the last mail.

I have, &c., &c.,

(Signed) J. RUSSELL.

Governor Browne,  
&c., &c., &c.  
New Zealand.

[Copy.]

General Post Office,  
5th June, 1855.

Sir,  
I am directed by the Postmaster General to acquaint you for the information of Lord John Russell, that in addition to the contract concluded with Messrs. Baines & Co., of Liverpool, for the conveyance of the Mails to Australia on the 5th of each month, he has entered into a contract with Messrs. Pilkington & Wilson, also of Liverpool, for a like service on the 20th of every month during the remainder of the present year.

Both contracts provide that Return Mails shall be brought from Australia to Liverpool, and that the dates for the Packets to leave Melbourne on the homeward voyage shall be fixed by the Colonial Government at Sydney.

Viscount Canning desires me to request that the Governor of New South Wales may be informed of this provision.

I have, &c.,

(Signed) F. HILL.

Herman Merivale, Esq.,  
&c., &c., &c.

Downing Street,  
26th June, 1855.

Sir,  
I have to acquaint you that Her Majesty's Government have decided that, on and from the 30th instant, a British rate of postage of one penny (over and above any Foreign rate chargeable where Newspapers are conveyed through a Foreign Country) shall be levied upon every Newspaper forwarded from the United Kingdom to a British Colony, either by Packet or by Private Ship.

I have, &c., &c.,

(Signed) J. RUSSELL.

Governor Browne,  
&c., &c., &c.

A TRUE and PERFECT SCHEDULE of all UNCLAIMED BALANCES of DECEASED PERSONS' ESTATES, administered by THOMAS OSWALD, Esquire, Registrar of the Supreme Court of New Zealand, as Official Administrator, from the 1st day of July to the 30th day of September, 1855.

Names of Intestates.	Colonial Residence.	Supposed British Residence of Family.	Moneys Received.	Payments made.	Balance in the hands of this Registrar.	Balance in Treasury.	Remarks.
Nil.	Nil.	Nil.	£ s. d. 0 0 0	£ s. d. 0 0 0	£ s. d. 0 0 0	£ s. d. 0 0 0	Nil.

I, Thomas Oswald, Registrar of the Supreme Court of New Zealand, do solemnly and sincerely declare that the above is a true and faithful Return of all Unclaimed Balances belonging to Deceased Persons' Estates, administered by me in the Province of Auckland and Colony of New Zealand, from the 1st day of July to the 30th day of September, 1855.  
THOMAS OSWALD.  
Made and declared at Auckland, this sixteenth day of October, 1855, before me.  
I certify to the correctness of the foregoing return, which corresponds with the accounts of this office.  
WM. MARTIN, C.J.  
A. SHEPHERD, Colonial Treasurer.