



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,

C. W. RICHMOND, Colonial Secretary.

VOL. IV.] AUCKLAND, MONDAY, JULY 14, 1856. [No. 24

PROCLAMATION.

By his Excellency Colonel THOMAS GORE BROWNE, Companion of the Bath, Governor of the Colony of New Zealand, &c., &c.

WHEREAS by an Act made and enacted in the Parliament holden in the fifteenth and sixteenth 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 any 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 Act hath been enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Pro-

vincial Council thereof, intituled "An Act to Provide for the Efficient Branding and Marking of Cattle," Session 3, No. 7, and the said Act was received by the Governor on the 28th day of May, 1855.

And whereas it is expedient that the said recited Act should be disallowed, Now therefore I, the Governor of New Zealand, in pursuance of the authority vested in me in that behalf by the said recited Act of Parliament, do hereby proclaim and declare my disallowance of the said recited Act, passed by the Superintendent and Provincial Council of the Province of Nelson.

Given under my hand and issued under the Public Seal of the Islands of New Zealand, at Auckland, in the Islands aforesaid, this fourteenth day of July, in the twentieth year of the reign of Her Majesty Queen Victoria, and in the year of our Lord One thousand eight hundred and fifty-six.

THOMAS GORE BROWNE,
Governor.

By his Excellency's command,

C. W. RICHMOND,
Colonial Secretary.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, 12th July, 1856.

IN pursuance of the provisions of the New Zealand Constitution Act, His Excellency the Governor directs the publication of the following Acts of the General Assembly for public information.
By His Excellency's command,
C. W. RICHMOND,
Colonial Secretary.



NATURALIZATION ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION 4, No. 2.

ANALYSIS.

Title. Preamble reciting No. 2, Session 2.	2. Persons may be naturalised by Proclamation.
1. Persons named in Schedule A. to be naturalized.	3. Short title.

Title.

AN ACT for the Naturalization of certain Persons in the Colony of New Zealand.

(Assented to 7th July, 1856.)

Preamble reciting
No. 2, Sess. 2.

WHEREAS by an Act made and passed by the General Assembly of New Zealand, intituled "The Naturalization Act, 1854," No. 2, Sess. 2, it was among others things enacted, that all and singular the persons who should be declared to come within the operation of the said Act, by any Proclamation to be issued by the Governor, should be deemed and taken, until the next Session of the General Assembly within the Islands of New Zealand, to be natural born subjects of Her Majesty. **AND WHEREAS** the persons particularly described in the Schedule marked "A" hereunto annexed, have from time to time been so declared to come within the operation of the said recited Ordinance, and it is expedient that there should be removed from them within the Colony of New Zealand the disabilities to which aliens are by law subjected.

BE IT ENACTED by the General Assembly of New Zealand as follows :

Persons named in
Schedule A. to be
naturalized.

1. All and singular the persons who are particularly described in the Schedule marked "A" to this Act annexed, shall to all intents and purposes whatever within the Colony of New Zealand, be deemed and taken to be, and to have been from the dates set opposite their names respectively, natural born subjects of Her Majesty, as if they had been respectively born within the realm of England.

2. *And whereas* there are certain other persons resident in New Zealand whom it may be expedient to relieve from the disabilities to which aliens are by law subject, but whose names and descriptions have not been accurately ascertained. *Be it further enacted* that all and singular the persons who shall be declared to come within the operation of this Act by any Proclamation to be issued in that behalf by His Excellency the Governor, or Officer administering the Government, shall, as from the time to be in the respective cases in that behalf specified by such Proclamation, be deemed and taken until the termination of the next Session of the General Assembly, to be, and to have been as from such specified time, natural born subjects of Her Majesty within the Islands of New Zealand, as fully to all intents and purposes, as if their names had respectively been inserted in the Schedule hereunto annexed: *Provided always* that every such Proclamation shall contain the description, occupation, or calling of the person or persons therein named, and of his or their residence at the date of such Proclamation.

Persons may be naturalized by Proclamation.

3. This Act shall be entitled and may be cited as "The Naturalization Act, 1856."

SCHEDULE A.

Date of Proclamation.	Name.	Native of	Occupation.	Date from which Naturalization is to take effect.	Residence.
12th Oct., 1855	John Maké	Germany	Labourer	28th May, 1855	Nelson
12th Oct., 1855	Carl Loëbe	Germany	Labourer	28th May, 1855	Nelson
12th Oct., 1855	Henry Ziems	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Carl Ziems	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Fritz Ziems	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Matthias Achilles	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Carl Brenneke	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Theodore Bode	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Joseph Bormann	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Ludwig Gründer	Germany	Musician	8th May, 1855	Nelson
12th Oct., 1855	Ernst Peinemann	Germany	Musician	8th May, 1855	Nelson
11th Feb., 1856	John Inez	Portugal	Carpenter	1st Jan., 1854	Auckland
11th Feb., 1856	Theodor Bernhard Thebing	Prussia	Doctor	15th April, 1855	Nelson
11th Feb., 1856	Benjamin Moses	Germany	Storekeeper	1st Jan., 1853	Auckland
11th Feb., 1856	Wendolin Albiets	Germany	Labourer	1st Jan., 1853	Auckland

Examined and certified.

JAS. JNO. PIERCY,
Clerk of the Legislative Council.

F. E. CAMPBELL,
Clerk of the House of Representatives.

In the name of Her Majesty I assent to this Act.

THOMAS GORE BROWNE,
Governor.

Auckland, 7th July, 1856.



LAW AMENDMENT ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION 4, No. 3.

ANALYSIS.

Title.	EVIDENCE.	ATTACHMENT OF DEBTS.
	<ol style="list-style-type: none"> 1. Affirmation instead of oath in certain cases. 2. Persons making a false affirmation to be subject to the same punishment as for perjury. 3. How far a party may discredit his own witness. 4. Proof of contradictory statements of adverse witness. 5. Cross-examination as to previous statements in writing. 6. Proof of previous conviction of a witness may be given. 7. Attesting witness need not be called except in certain cases. 8. Comparison of disputed writing. 	<ol style="list-style-type: none"> 9. Examination of judgment debtor as to debts due to him. 10. Judge may order an attachment of debts. 11. Order for attachment to bind debts. 12. Proceedings to levy amount due from sub-debtor to judgment debtor. 13. Judge may allow judgment creditor to sue sub-debtor. 14. Sub-debtor discharged. 15. Attachment books to be kept by the Registrars of the Court. 16. Costs of application.
		LOST INSTRUMENTS.
		<ol style="list-style-type: none"> 17. Actions on lost instruments. 18. Short title.

Title.

AN ACT for the amendment of the Law of Evidence, and of the Law of Debtor and Creditor.

(Assented to 7th July, 1856.)

BE IT ENACTED by the General Assembly of New Zealand as follows :

EVIDENCE.

1. If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or Judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, *videlicet* :

"I, A. B., do solemnly sincerely and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly sincerely and truly affirm and declare, &c."

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

2. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing, which, if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the Law are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

3. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall in the opinion of the Judge prove adverse, contradict him by other evidence, or, by leave of the Judge, prove that he has made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

4. If a witness, upon cross examination as to a former statement made by him relative to the subject matter of the cause and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but, before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

5. A witness may be cross examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be

Affirmation instead of oath in certain cases.

Persons making a false affirmation to be subject to the same punishment as for perjury.

How far a party may discredit his own witness.

Proof of contradictory statements of adverse witness.

Cross-examination as to previous statements in writing.

called to those parts of the writing which are to be used for the purpose of so contradicting him; Provided always, that it shall be competent for the Judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purpose of the trial as he shall think fit.

Proof of previous conviction of a witness may be given.

6. A Witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court, where the offender was convicted, or by the deputy of such Clerk or officer (for which certificate a fee of five shillings and no more shall be demanded or taken,) shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

Attesting witness need not be called, except in certain cases.

7. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission, or otherwise, as if there had been no attesting witness thereto.

Comparison of disputed writing.

8. Comparison of a disputed writing with any writing proved to the satisfaction of the Judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and Jury as evidence of the genuineness, or otherwise, of the writing in dispute.

ATTACHMENT OF DEBTS.

Examination of judgment debtor as to debt due to him.

9. It shall be lawful for any creditor who has obtained a judgment in the Supreme Court of New Zealand, to apply to the Court or a judge for a rule or order that the judgment debtor should be orally examined as to any and what debts are owing to him before a Judge or Registrar of the Court, or such other person as the Court or Judge shall appoint; and the Court or judge may, by such rule or order, or any subsequent rule or order, command the attendance of such judgment debtor before the person appointed to take such examination, for the purpose of being orally examined as aforesaid, or the production of any writings or other documents to be mentioned in such rule or order, and may impose therein such terms as to such examination, and the costs of the application, and of the proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

10. It shall be lawful for a Judge, upon the *ex parte* application of such judgment creditor, either before or after such oral examination and upon affidavit by himself or his solicitor stating that judgment has been recovered, and that it is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person (hereinafter called the sub-debtor) to the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order it may be ordered that the sub-debtor shall appear before the Judge or a Registrar of the Court, as such Judge shall appoint, to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

Judge may order an attachment of debts.

11. Service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the sub-debtor, in such manner as the Judge shall direct, shall bind such debts in his hands.

Order for attachment to bind debts.

12. If the sub-debtor does not forthwith pay into Court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment debtor, or if he does not appear upon summons, then the Judge may order execution to issue, and it may be sued forth accordingly, without any previous writ or process to levy the amount due from such sub-debtor towards satisfaction of the judgment debt.

Proceedings to levy amount due from sub-debtor to judgment debtor.

13. If the sub-debtor dispute his liability, the Judge, instead of making an order that execution shall issue, may order that the judgment creditor shall be at liberty to proceed against the sub-debtor by Writ, calling upon him to show cause why there should not be execution against him for the alleged debt, or for the amount due to the judgment debtor, if less than the judgment debt, and for costs of suit; and the proceedings upon such suit shall be the same, as nearly as may be, as upon a Writ of Revivor issued under the General Rules of the said Court.

Judge may allow judgment creditor to sue sub-debtor.

14. Payment made by or execution levied upon the sub-debtor under any such proceeding as aforesaid shall be a valid discharge to him as against the judgment debtor to the amount paid or levied, although such proceeding may be set aside, or the judgment reversed.

Sub-debtor discharged.

15. In each judicial district of the Supreme Court there shall be kept at the Registrar's office a debt attachment book, and in such book entries shall be made of the attachment and proceedings thereon with names, dates, and statements of the amount re-

Attachment books to be kept by the Registrars of the Court.

covered, and otherwise ; and copies of any entries made therein may be taken by any person, upon application to the Registrar.

Costs of application.

16. The costs of any application for an attachment of debt under this Act, and of any proceedings arising from or incidental to such application, shall be in the discretion of the Court or a Judge.

LOST INSTRUMENTS.

Actions on lost instruments.

17. In case of any action founded upon a bill of exchange or other negotiable instrument, it shall be lawful for the Court or a Judge to order that the loss of such instrument shall not be taken advantage of, provided an indemnity is given to the satisfaction of the Court or Judge or a Registrar thereof against the claims of any other person upon such negotiable instrument.

Short title.

18. This Act shall be intituled and may be cited as " The Law Amendenmt Act, 1856."

Examined and certified,

JAS. JNO. PIERCY,
Clerk of Legislative Council.

F. E. CAMPBELL,
Clerk of House of Representatives.

In the name of Her Majesty I assent to this Act,

THOMAS GORE BROWNE,
Governor.

Auckland, 7th July, 1856.



BANK PAPER CURRENCY ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 4, No. 4.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Governor with advice of Executive Council may authorise Banks incorporated by Royal Charter to issue paper money.</p> <p>2. Governor with advice of his Executive</p>	<p>Council may authorise Union Bank of Australia to issue paper money.</p> <p>3. Royal Charters granted to banking companies to have the effect of Acts of Assembly.</p> <p>4. Short title.</p>
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AN ACT to enable certain Banking Companies to issue paper money.

Title.

(Assented to 7th July, 1856.)

WHEREAS it is expedient to enable the Governor of New Zealand, with the advice of his Executive Council, to permit certain Banking Companies to issue paper money: Be it therefore enacted by the General Assembly of New Zealand as follows:—

Preamble.

1. It shall be lawful for the Governor or other officer administering the Government for the time being of New Zealand with the advice of his Executive Council by proclamation in the New Zealand Government Gazette from time to time to proclaim and declare that any banking company or copartnership incorporated by Her Majesty's letters patent, which by virtue of such letters patent is or shall be empowered to carry on the business of a banker in New Zealand and to issue and circulate within the said Colony the promissory notes of the company payable to bearer on demand, may lawfully issue and circulate such notes within the said Colony, any law or Ordinance to the contrary thereof notwithstanding, but subject to the provisions and restrictions in such letters patent contained.

Governor with advice of Executive Council may authorise Banks incorporated by Royal Charter to issue paper money.

Governor with advice of his Executive Council may authorise Union Bank of Australia to issue paper money.

2. It shall further be lawful for the Governor or other officer administering the Government for the time being of New Zealand, with the advice of his Executive Council, in like manner to proclaim and declare that the Joint Stock Company or copartnership now carrying on the business of a banker in New Zealand under the style of the "Union Bank of Australia," may lawfully issue and circulate within the Colony the promissory notes of the company payable to bearer on demand, any law or ordinance to the contrary thereof notwithstanding: Provided that all such notes bear date at the place of issue and be there payable in coin of the Realm or other coin lawfully current in the said colony.

Royal Charters granted to banking companies to have the effect of Acts of the Assembly.

3. All letters patent and charters of incorporation granted or to be granted by Her Majesty to companies or copartnerships for banking purposes shall to all intents and purposes be as effectual within the said Colony as Acts of the General Assembly of New Zealand.

Short title.

4. This Act shall be intituled and may be cited as "The Bank Paper Currency Act, 1856."

Examined and certified.

JAS. JNO. PIERCY,
Clerk of Legislative Council.

F. E. CAMPBELL,
Clerk of House of Representatives.

In the name of Her Majesty I assent to this Act.

THOMAS GOSS BROWNE,
Governor.

Auckland, 7th July, 1856.



NELSON TRUST FUNDS AMENDMENT ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION 4, No. 5.

ANALYSIS.

- Title.
Preamble.
1. Repeal of Sections 12 15 and 16.
 2. Remuneration of Trustees.

3. Trustees to prepare a balance sheet.
4. Accounts to be audited.
5. Short title.

AN ACT to alter and amend the "Nelson Trust Funds Act, 1854."

Title.

(Assented to 7th July, 1856.)

WHEREAS an Act was passed by the General Assembly of Preamble
New Zealand entitled the "Nelson Trust Funds Act, 1854,"
and it is expedient to repeal certain sections of the said Act, and
substitute other provisions in lieu thereof:

BE IT THEREFORE ENACTED by the General Assembly of New
Zealand as follows:

1. Sections numbered 12, 15, and 16 in the said recited Act are hereby repealed. Repeal of Sections 12
15 and 16.

2. The Trustees for the time being, elected under the said in part recited Act, shall receive amongst them for their attendance to the duties of Trustees a sum not exceeding in the whole the sum of one hundred pounds in any one year; but no one Trustee shall receive any fee for any meeting at which he was not present nor more than one guinea for any one meeting at which he shall attend. Remuneration of
Trustees,

3. On the first day of December in every year the said Trustees shall cause the accounts of the said Trust to be balanced, and a full and fair balance sheet to be made up and previously to such balance Trustees to prepare a
balance sheet.

sheet being delivered to the Auditors the same shall be examined by and signed by three of the said Trustees, and thereupon the same shall be recorded in the books of account of the said Trustees.

Accounts to be audited.

4. Within fourteen days after the making of such balance sheet the said Trustees shall deliver the same, together with the accounts of the said Trust from the last previous audit to the auditors, and the auditors shall examine the same, and shall, within six days after the receipt of such balance sheet and accounts, either confirm such accounts and report generally thereon, or shall, if they do not see fit to confirm such accounts, report specially thereon, and deliver such accounts, balance sheet and report respectively to the said Trustees.

Short title.

5. This Act shall be intituled and may be cited as the "Nelson Trust Funds Amendment Act, 1856."

Examined and certified

JAS. JNO. PIERCY,

Clerk of Legislative Council.

F. E. CAMPBELL,

Clerk of House of Representatives.

In the name of Her Majesty I assent to this Act.

THOMAS GORE BROWNE,

Governor.

Auckland, 7th July, 1856.



ENGLISH ACTS ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION 4, No. 6.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Certain Acts adopted.</p>	<p>2. Commencement of Act. 3. Short title. Schedule.</p>
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*AN ACT for bringing into operation within the Colony certain Acts of the Title
Imperial Parliament.*

(Assented to 7th July, 1856.)

WHEREAS certain Acts of the Imperial Parliament specified ^{Preamble.}
in the Schedule hereunto annexed have been passed for the
amendment of the Law, and it is expedient that the same be adopted
and brought into operation within this Colony Be it therefore
enacted by the General Assembly of New Zealand as follows:—

1. The several Acts of the Imperial Parliament specified in the ^{Certain Acts adopted.}
Schedule hereunto annexed shall be taken to extend to this Colony,
and shall be applied therein in the Administration of Justice in
like manner as Acts of Parliament passed before the establishment
of the Colony are applied.

2. This Act shall come into operation on the thirtieth day of ^{Commencement of}
September in the year 1856. ^{Act,}

3. This Act shall be intituled and may be cited as the “English ^{Short title.}
Acts Act, 1856.”

SCHEDULE.

Statute 18 and 19 Vict. cap. 43. "An Act to enable infants, with the approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage."

Statute 18 and 19 Vict. cap. 111. "An Act to amend the Law relating to Bills of Lading."

Examined and certified.

JAS. JNO. PIERCY,

Clerk of the Legislative Council.

F. E. CAMPBELL,

Clerk of the House of Representatives.

In the name of Her Majesty I assent to this Act.

THOMAS GORE BROWNE,

Governor.

Auckland, 7th July, 1856.

LAUGHLIN O'BRIEN, ESQUIRE, RECEIVER OF INTESTATE ESTATES for the Northern Division of the Colony of New Zealand, in account with the Estate of PATRICK NUCKLEY, deceased, intestate.

1856.	£	s.	d.	1856.	£	s.	d.
January 25. By cash sale of effects	10	14	6	March 28. Paid Supreme Court Letters of Administration	1	10	0
				May 3. " advertising notice to creditors	0	4	6
				" " balance sheet	0	7	6
				May 28. " Mr. Mills, due estate of James Mills	3	5	6
				May 29. " J. C. Law	0	8	6
				" " Administrator's commission	0	10	6
				" Balance	4	10	0
	£10	14	6		£10	14	6

I, LAUGHLIN O'BRIEN, do swear that to the best of my knowledge and belief, the above is a just and true Account of the Receipts and Disbursements on account of the Estate of Patrick Nuckley, deceased, intestate.

L. O'BRIEN,
Registrar.

Sworn at Auckland this twenty-eighth day of June, }
1856, before me, }
SIDNEY STEPHEN, C. J.

I do hereby certify that I have examined and allowed this account of the Official Administrator of the Estate of Patrick Nuckley, deceased, intestate. Dated this twenty-eighth day of June, 1856.

SIDNEY STEPHEN,
Chief Justice.