



# The New Zealand Gazette.

Published by Authority.

MONDAY, DECEMBER 5, 1859.

## PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by the "Post Office Act, 1858," it is enacted that it shall be lawful for the Governor in Council from time to time by Proclamation to be published in the *New Zealand Gazette* to fix, alter, and abolish the rates of postage at any time payable within the Colony, for the transmission of Letters by Post, either between places within New Zealand, or to or from places beyond Seas, and at what time the same shall be paid.

And whereas, in pursuance and exercise of the said recited power and authority, His Excellency the Governor in Council did by a Proclamation under his hand and the Public Seal of the Colony, bearing date the tenth day of December, one thousand eight hundred and fifty-eight, fix certain rates of postage and the times at which the same respectively should be paid.

Now therefore, I, the Governor, as aforesaid, by and with the advice and consent of the Executive Council of the said Colony, do hereby in pursuance, and further exercise of the said recited power and authority proclaim and declare as follows:—

All Letters on the public service of Her Majesty's Naval and Military Forces shall be ex-

empted from the payment of postage, subject to the following Rules,—

1. There shall be written on the cover or outside of each of such Letters the words, "On Her Majesty's Service," or the letters "O.H.M.S."
2. The Senior Officer of that branch of Her Majesty's Naval or Military Forces, on the service of which any Letter may be posted, present at the place from which such Letter is despatched, shall sign his name on the cover, or outside thereof, immediately under the words "On Her Majesty's Service," or the letters "O.H.M.S.," and there shall be subjoined to such signature, the proper official designation of the Officer so signing.
3. Detached parties of the Royal Artillery and Royal Engineers, not having Officers in charge, shall, for the purpose of the present Proclamation, be deemed to belong to the Infantry of the Line.
4. No Letter so exempted will be sent by private ship, or any other mode of transmission, which may involve an actual expenditure on the part of the Colonial Government, which would not have been made if such Letters had not been transmitted. But, if by reason of the transmission of any such Letter, any charge shall be incurred by the Colonial Government to any other Government, or to any Company or person, such charge shall be repaid to the Government by the person sending or receiving the Letter chargeable.

And I do further declare, that this Proclamation shall come into force on the first day of January, one thousand eight hundred and sixty.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland, this twenty-sixth day of November, in the year of our Lord, One thousand eight hundred and fifty-nine.

T. GORE BROWNE.

By His Excellency's command,

E. W. STAFFORD.

GOD SAVE THE QUEEN.

AT GOVERNMENT HOUSE, AT AUCKLAND,  
THE 25TH DAY OF NOVEMBER, 1859.

Present:—

His Excellency the Governor

Colonel Gold

Mr. Richmond,

Mr. Whitaker,

Mr. Tancred.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Militia Act, 1858," it is enacted that it shall be lawful for the Governor in Council from time to time to constitute throughout the Colony or in any part thereof, Militia Districts, and such Districts from time to time to abolish, and the boundaries thereof to vary, and to designate the Militia of any such District by the name of a Regiment, Battalion, Corps, or Company, as he shall think fit,

And Whereas, at an Executive Council held at the Government House, at Auckland aforesaid, on the 13th day of January last, His Excellency the Governor, by and with the advice and consent of the Executive Council, did constitute (amongst other Militia Districts) a Militia District to be called and known by the name of the

NAPIER MILITIA DISTRICT,

and did define the boundaries of such District to be the circumference of a circle, whereof the radius extends twenty miles from the Police Office in the town of Napier, and did designate the Militia within such District by the name of a Battalion.

Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council, in exercise of the above recited power, doth by the present Order, vary the boundaries of the said District of Napier, and doth order that such District shall comprehend, and be commensurate with, the Province of Hawke's Bay.

F. G. STEWARD,

Clerk of Executive Council.

AT THE GOVERNMENT HOUSE AT AUCKLAND,  
THE 25TH DAY OF NOVEMBER, 1859.

Present:—

His Excellency the Governor.

Col. Gold,

Mr. Richmond,

Mr. Whitaker,

Mr. Tancred.

WHEREAS by the Harbour Regulations Ordinance, No. 15, of Session 2, it is enacted that it shall be lawful for the Governor in Council from time to time to make all such Regulations respecting the placing of Vessels in Quarantine, and the performance of such Quarantine, as may seem meet, and to appoint all such Officers as may be necessary for the purpose of carrying such Regulations into effect.

Now, therefore, His Excellency the Governor, by and with the advice and consent of His Executive Council, has been pleased to approve, and doth hereby approve, of the following Quarantine Regulations for the Colony of New Zealand.

F. G. STEWARD,

Clerk of Executive Council.

### QUARANTINE REGULATIONS.

1. The master of every vessel arriving at any Harbour which shall be deemed by the Harbour Master to be liable to Quarantine, shall, on being directed so to do by the Harbour Master, cause the same to be anchored in the Quarantine ground appointed for the Harbour, or forfeit and pay for every such offence, the sum of one hundred pounds.

2. The master of every vessel so anchored, shall neither himself quit, nor permit any seaman, passenger, or other person to quit the same; until he shall have been duly admitted to pratique, or forfeit the sum of one hundred pounds.

3. Every seaman, passenger, or other person so quitting, shall, for every such offence forfeit the sum of twenty pounds.

4. Every vessel so anchored is to hoist a yellow flag, of not less than six breadths of bunting, at the main, by day, and a light by night in a lanthorn, such as is used in Her Majesty's Navy; and to keep the same respectively hoisted until released from Quarantine, or forfeit the sum of twenty pounds.

5. The master of every vessel so anchored is to deliver to the Harbour Master, or other authorised person, his Bill of Health, Manifest, Log Book, and Journal, and he is to fill up a Report in the manner pointed out in the Schedule A. annexed.

6. The master of every vessel so anchored who shall suffer any goods, wares, or merchandize, packets, books, letters, or other articles, to be unshipped or landed, and any person or persons who shall be concerned in the unshipping or landing of the same, shall forfeit for each and every article so unshipped or landed, the sum of twenty pounds.

7. Every person or persons who shall knowingly receive any goods, wares, or merchandize, packets, package, baggage, books, or letters, or any other article whatever, from any vessel so anchored, shall forfeit for each and every article the sum of twenty pounds.

8. Any person going within the limits of any Quarantine Station, when any vessels shall

be there at anchor, performing Quarantine, shall forfeit any sum not exceeding twenty pounds.

9. If any officer or person entrusted with orders respecting Quarantine, shall in any way neglect his duty, he shall forfeit for each offence the sum of twenty pounds.

10. The Harbour Master shall immediately after his having so anchored any vessel report the same to the Resident Magistrate and Health Officer, or to the person or persons acting, or appointed to act for those functionaries.

11. The Resident Magistrate and Health Officer, or Medical Practitioner appointed for that purpose by the Resident Magistrate, shall, upon the receipt of such report, visit the vessel so anchored, and if they shall find that any sickness of an infectious, or contagious nature exists on board of her, they shall submit the information to a Board consisting of the Resident Magistrate, and one or more Justices of the Peace, the Superior Officer of the Customs of the Port, and the Health Officer or Medical Practitioner as aforesaid, to be convened for that purpose by the Resident Magistrate, which Board, or the majority of them, shall have authority to detain such vessel in Quarantine until every symptom of the aforesaid disease has disappeared, when the same Board, or the majority of them, have hereby power to release such vessel from Quarantine, and admit her to pratique.

12. During the period any vessel may be in Quarantine, the Resident Magistrate and Health Officer shall visit her alongside from time to time, and institute such Regulations as the nature of the case may demand, and the master or commander shall carry such Regulations into effect, or forfeit a sum not exceeding twenty pounds.

#### POWER TO RESIDENT MAGISTRATES IN CERTAIN CASES.

The Resident Magistrate, at any Port for which no Harbour Master is appointed, shall have all such powers as are hereinbefore given to Harbour Masters. All penalties hereby imposed, shall be recoverable in a summary way.

#### SCHEDULE A.

Questions required to be answered by the Master or other person in command of any ship or vessel arriving in the Port of \_\_\_\_\_ from any infected place.

1. What is the tonnage of the vessel and her name?

*Answer.*

2. What is the master's name, and are you the Master?

*Answer.*

3. From whence do you come, and when did you sail?

*Answer.*

4. At what ports have you touched on your passage?

*Answer.*

5. What vessels have you had intercourse, or communication with, on your passage, and from whence did they come?

*Answer.*

6. Have you any, and what Bills of Health?

*Answer.*

7. Did the Cholera, or any other highly infectious and dangerous disease, prevail at the place from which you sailed, or at any of the places at which you have touched, or on board of any vessel with which you have had communication? If so, state when and where?

*Answer.*

8. In the course of your voyage, have any persons on board suffered from sickness of any kind, what was the nature of such sickness, and when did it prevail? How many persons were affected by it, and have any of them died in the course of the voyage?

*Answer.*

9. What number of officers, mariners, and passengers have you on board?

*Answer.*

10. What was the whole number of persons on board your vessel when you sailed?

*Answer.*

11. What is the whole number of persons now ill on board your vessel?

*Answer.*

12. If there be no sickness now on board, when did the last attack of disease appear, and when did it entirely disappear?

*Answer.*

At the Government House at Auckland, the twenty-fifth day of November, 1859.

Present:

HIS EXCELLENCY THE GOVERNOR,

COL. GOLD,	MR. RICHMOND,
MR. WHITAKER,	MR. TANCRED.

WHEREAS, by the "Post Office Act, 1858," it is amongst other things enacted that it shall be lawful for the Governor in Council from time to time to make Rules and Regulations for the managing of the several Post Offices, for the receiving, despatching, conveying, and delivering of letters, (including the imposition of fees for private boxes and deliveries,) for the detaining, opening, and return or other disposal of irregularly posted, unclaimed, and refused letters, or such as from any cause whatever cannot be delivered or forwarded, and the contents thereof respectively, and for the publication of the lists of the same, for the making, custody, and sale of Postage labels, for the receiving and paying of money in connection with the said Postal Service, and for the conduct of Post Officers; and any such Rules and Regulations at any time in force, to alter, vary, or revoke; AND WHEREAS in pursuance and exercise of the said recited power and authority, His Excellency the Governor in Council did by a Proclamation bearing date the 13th day of January last, make certain Rules and Regulations for the management of the Post Offices, and for the guidance of the Officers therein employed;

Now, therefore, His Excellency the Governor, by and with the advice and consent of his Executive Council, doth by this present Order, in pursuance and further exercise of the said recited power and authority, make the following additional Rules and Regulations.

1. Any Postmaster to whom the aforesaid Regulations refer, may set apart and allot a Private Box in his Post Office, to any person who may apply for the same; and any such person shall hold such box, subject to the following Rules.
2. Every Private Box shall be so arranged that access may be had to it both from the outside and from the inside of the Post Office, and shall have an opening at either end.
3. The outside end of each Box shall be provided with a door and lock, and the person to whom such box shall be allotted shall be furnished with a key to the same.
4. All letters received at any Post Office at which Private Boxes have been established, addressed to any person to whom a Private Box has been allotted, shall, at the sorting of the Mail in which such letters arrived, be deposited in such box.
5. The fees payable in respect of each Private Box, shall be as follows:—
 

For the first year, or portion	£	s.	d.
of a year.....	2	0	0
For every subsequent year, or			
portion of a year.....	1	0	0

 payable in advance on the first day of January in each year. And, for the purposes of this rule a year shall be held to commence on the first day of January.
6. A separate account for postages shall be kept by the Postmaster on all letters so deposited in any box; which account shall be due and payable quarterly, on the first day of April, the first day of July, the first day of October, and the first day of January, by the holder of such Box; and such account shall not be questioned by such holder, but shall be conclusive as to the charges therein.
7. The Revenue arising from such fees shall be deemed Ordinary Revenue of the Post Office, and paid over as such to the Colonial Treasurer.
8. This Order shall take effect from and after the first day of January, one thousand eight hundred and sixty.

F. G. STEWARD,  
Clerk of the Executive Council.

Colonial Secretary's Office,  
Auckland, 3rd December, 1859.

THE following Acts passed by the General Assembly of New Zealand in the Session held in the twenty-first and twenty-second years of the Reign of Her Majesty Queen Victoria, intituled:—

- No. 1. An Act for the Interpretation of Acts of the General Assembly of New Zealand.

No. 33. An Act to declare what shall be deemed the Ordinary Revenue of the Colony, and to provide for the Regulation by the General Assembly of the costs of collecting the same.

No. 40. An Act to regulate the Collection and Management of the Revenue of Customs.

No. 66. An Act to provide for the distribution of the Surplus Ordinary Revenue amongst the several Provinces of New Zealand,

having been laid before the Queen in conformity with the provisions of the "Constitution Act," Her Majesty has been graciously pleased to leave the same to their operation.

E. W. STAFFORD.

General Post Office,  
Auckland, 1st December, 1859.

TENDERS will be received at this Office, until the 30th April, 1860, from persons desirous of contracting for the performance of the Overland Mail Service between Wellington and New Plymouth, for the twelve months commencing the 1st July, 1860, and ending the 30th June, 1861, subject to the following terms and conditions:—

1st. The Contractor to take the Mails from the Post-office in Wellington at Two p.m., every Monday, and deliver them at the Post-office, New Plymouth by One, p.m., on the following Saturday.

2nd. To take the Mails from the Post Office, in New Plymouth, at Two, p.m., every Monday, and deliver them at the Post-Office, Wellington, by Eleven, a.m., on the following Saturday.

3rd. To take up and deliver Mails at the Post-offices at the following intermediate places, viz.: Wanganui, Turakina, Rangitiki, Manawatu, Otaki, Waikanae, Tauhatanui and Porirua.

4th. To deliver the Wellington Mail in Wanganui every Wednesday, by Three, p.m.

5th. To start from Wanganui for Wellington, at Twelve o'clock, noon, on every Thursday.

6th. The Contractor not to be bound to carry any weight exceeding 100 lbs.

HENRY JOHN TANCRED.

Office of Commissioner of Customs,  
Auckland, 2nd December, 1859.

THE following Despatch with its enclosure, received from Her Majesty's Principal Secretary of State for the Colonies, is published for general information, and the attention of the several Registrars of Shipping is directed to the Supplemental Instruction.

C. W. RICHMOND.

Downing Street,  
August 18th, 1859.

Sir,—At the instance of the Lords of the Committee of Privy Council for Trade I trans-

mit to you herewith, in order that it be distributed among the Registrars of Shipping, for their guidance, in the Colony under your Government, a Supplemental Instruction, amending paragraph 68 of the General Instructions to Registrars, with regard to transactions in which a Certificate of Sale is outstanding.

I have, &c., &c.,

NEWCASTLE.

Governor Gore Browne, C.B.  
&c., &c., &c.

INSTRUCTIONS TO REGISTRARS OF SHIPPING.

Amendment of Paragraph 68.

Paragraph 68, after pointing out the mode in which a Certificate of Sale may be issued, states, that "no further transaction can take place in respect of the ship while the Certificate is outstanding." The instructions must in future be read as if these words were struck out.

It appears from an opinion given by the law officers of the Crown, that the issue of a certificate whether of sale or mortgage, does not prevent subsequent dealings with the ship by a prior mortgagee, or even by an owner, so long as no title to the ship is completed under the certificate.

No injustice can arise from the fact that various titles may thus appear on the Register at the same time, since every person who advances money or purchases upon the strength of a title which is liable to be defeated by a prior incumbrance, must in all cases have, at the time he advances money or purchases, full notice of the prior incumbrance, and ought therefore to be fully away that his own title is liable to be defeated.

In regard to unmortgaged vessels, no harm can arise from permitting the record of bills of sale and mortgages, while a Certificate of Sale is outstanding, as it appears quite clear from the terms of "The Merchant Shipping Act, 1854," Section 81, Clauses 5, 6, and 8, that the purchaser under the certificate would, according to the strictest construction of the words of the Act, and almost without reference to its general policy, have a clear priority. When, however, the general policy is considered all doubts must be set at rest.

The Merchant Shipping Act does not give an indefeasible title to the ship to the person whose name appears on the Register as against claims of which he has full notice. What it does give to the person whose name is on the Register, is, the power of conveying an indefeasible title to a *bonâ fide* innocent purchaser or mortgagee. A purchaser or mortgagee who has, by the Register itself, notice of a prior claim, or possibility of claim, cannot as against that claim, be a *bonâ fide* innocent purchaser, and cannot therefore get an indefeasible title.

It is, however, obvious that persons who purchase or advance money under such circumstances are liable to very great risk, and the

Registrars should make their business to point out the risk.

In the event of the sale of a ship by the owner at the Port of Registry whilst a certificate of sale or mortgage is outstanding, if registry anew, or transfer of registry to another Port be demanded by the purchaser, care should be taken by the Registrar that the outstanding certificates be produced, until such certificates are duly returned, or satisfactory proof of their loss given under the conditions of the 82nd Section of "The Merchant Shipping Act, 1854."

A note to the following effect will be printed on all future certificates of sale or mortgages, and a similar note should also be written by the Registrar on the existing forms on which no such note is printed.

*Nota Bene.*

"Persons who purchase under a certificate of sale or who advance money under a certificate of mortgage, when there is a previous mortgage, or a previous certificate of sale, or of mortgage endorsed on the certificate under which they purchase, do so at their own risk.

"Their title is liable to be defeated by the persons claiming under the incumbrance so endorsed."

Land Claims' Office,  
New Plymouth, 19th November, 1859.

I, WILLIAM HALSE, a Commissioner duly appointed by virtue of the Ordinance No. 15, Session xi, of the Legislative Council of the Islands of New Zealand, to hear and decide Claims to Land by persons claiming Title thereto from, through, or under the New Zealand Company, report that the claims of the persons whose names appear in the Schedule hereunder having been duly referred to me for investigation, I do hereby decide that the said persons are respectively entitled to the Crown Grants set against their Names in the said Schedule.

W. HALSE,  
Commissioner.

SCHEDULE.

No. of Report.	No. of Claim.	Name of Claimant.	Commissioner's Decision.
618	139	Henry Henson Wood	Entitled to a Grant of Rural section, No. 53, Omata district.
619	141	ditto	Entitled to a Grant of Rural section, No. 485, Grey district.
620	446	Peter Rigby	Entitled to a Grant of Town section, No. 618, Town of New Plymouth.
621	608	James Cragg Sharland	Entitled to a Grant of 12 acres, 1 rood, 11 perches (more or less) of Suburban section, No. 4, Fitzroy district.

No. of Report.	No. of Claim.	Name of Claimant.	Commissioner's Decision.	No. of Report.	No. of Claim.	Name of Claimant.	Commissioner's Decision.												
622	609	Richard Wood	Entitled to a Grant of Town section, No. 715, Town of New Plymouth.	642	888	Rev. Jonathan Cape	Entitled to a Grant of Town section, No. 1870, Town of New Plymouth.												
623	612	ditto	Entitled to a Grant of Town section, No. 698, Town of New Plymouth.	643	889	ditto	Entitled to a Grant of Town section, No. 231, Town of New Plymouth.												
624	622	George Rutt Burton	Entitled to a Grant of Rural section, No. 50, Omata district.	644	890	ditto	Entitled to a Grant of Town section, No. 1319, Town of New Plymouth.												
625	623	ditto	Entitled to a Grant of Rural section, No. 50a, Omata district.	645	901	Henry Robert Richmond	Entitled to a Grant of Rural section, No. 518, Grey district.												
626	624	ditto	Entitled to a Grant of Rural section, No. 50b, Omata district.	646	902	George Patterson	Entitled to a Grant of Rural section, No. 505, Grey district.												
627	625	ditto	Entitled to a Grant of Rural section, No. 50c, Omata district.	647	908	William Dorset	Entitled to a Grant of Rural section, No. 25, Hua district.												
628	654	John Lynas	Entitled to a Grant of Town section, No. 175, Town of New Plymouth.	648	914	Robert Greenwood	Entitled to a Grant of 100 acres (more or less) of Rural section, No. 17, Tataraimaka district.												
629	662	John McNaughton	Entitled to a Grant of Town section, No. 1407, Town of New Plymouth.	649	936	George Rutt Burton	Entitled to a Grant of 6 acres, 3 roods, 23 perches (more or less) of Rural section, No. 60, Omata district.												
630	690	Richard Wood	Entitled to a Grant of 16 perches (more or less) of Town section, No. 682, Town of New Plymouth.	650	937	ditto	Entitled to a Grant of Rural section, No. 50d, Omata district.												
631	842	Thomas Smith	Entitled to a Grant of Rural section, No. 65, Omata district.	651	938	Nathaniel Reed	Entitled to a Grant of 10 acres (more or less) of Rural section, No. 19, Hua district.												
632	850	Tom Newsham	Entitled to a Grant of 6 acres, 3 roods, 3 perches (more or less) of Rural section, No. 21, Omata district.	652	940	Henry Robert Richmond	Entitled to a Grant of Rural section, No. 518a, Grey district.												
633	856	Thomas Edward Rawson	Entitled to a Grant of 150 acres (more or less) of Rural section, No. 17, Tataraimaka district.	653	941	ditto	Entitled to a Grant of Rural section, No. 519, Grey district.												
634	877	Rev. Jonathan Cape	Entitled to a Grant of Town section, No. 1749, Town of New Plymouth.	654	942	ditto	Entitled to a Grant of Rural section, No. 776, Grey district.												
635	878	ditto	Entitled to a Grant of Town section, No. 1468, Town of New Plymouth.	<p>Land Claims' Office, New Plymouth, 19th November, 1859.</p> <p><b>BY</b> virtue of the 15th clause of the New Zealand Company's Land Claimants' Ordinance, I do hereby report that it is expedient that the legal estate in the following lands comprised in Reports upon Claims made on the nineteenth November instant, should be deemed to have been in the Claimants thereto respectively, from and after the dates hereunder specified.</p> <p style="text-align: right;">W. HALSE, Commissioner.</p>															
636	879	ditto	Entitled to a Grant of Town section, No. 214, Town of New Plymouth.	<table border="1"> <thead> <tr> <th>No. of Report.</th> <th>Name of Claimant.</th> <th>Land Claimed.</th> <th>Date of Legal Estate.</th> </tr> </thead> <tbody> <tr> <td>630</td> <td>R. Wood</td> <td>16 perches of Town section, No. 652, New Plymouth.</td> <td>1852 May 27</td> </tr> <tr> <td>639</td> <td>T. R. Farrar</td> <td>Town section, No. 998, New Plymouth.</td> <td>1852 August 18</td> </tr> </tbody> </table>				No. of Report.	Name of Claimant.	Land Claimed.	Date of Legal Estate.	630	R. Wood	16 perches of Town section, No. 652, New Plymouth.	1852 May 27	639	T. R. Farrar	Town section, No. 998, New Plymouth.	1852 August 18
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630	R. Wood	16 perches of Town section, No. 652, New Plymouth.	1852 May 27																
639	T. R. Farrar	Town section, No. 998, New Plymouth.	1852 August 18																
637	880	ditto	Entitled to a Grant of Town section, No. 1561, Town of New Plymouth.																
638	881	ditto	Entitled to a Grant of Town section, No. 364, Town of New Plymouth.																
639	882	Thomas Richard Farrar	Entitled to a Grant of Town section, No. 908, Town of New Plymouth.																
640	886	Rev. Jonathan Cape	Entitled to a Grant of Town section, No. 68, Town of New Plymouth.																
641	887	ditto	Entitled to a Grant of Town section, No. 1349, Town of New Plymouth.																