



The New Zealand Gazette.

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WEDNESDAY, OCTOBER 3, 1860.

AT THE GOVERNMENT HOUSE, AT AUCKLAND,
THE 29TH DAY OF SEPTEMBER, 1860.

Present:

His Excellency the Governor in Council.

WHEREAS by an Act of the General Assembly of New Zealand, intitled "The Militia Act, 1858," it is enacted that it shall be lawful for the Governor in Council from time to time, to make, vary, and abolish Regulations under which the services of Volunteers shall be accepted in any Militia district: Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony, and in the exercise of the powers in this behalf vested in him by the said recited Act, doth hereby make and ordain the following Regulations under which the services of Volunteers shall be accepted in the District of Wellington.

REGULATIONS.

1. The term of service for each Volunteer to be one year from the day he is sworn in, Provided always that if any Volunteer shall go to reside out of the District, he shall, if he desire, be discharged from further service as a Volunteer.

2. Every Volunteer shall attend to be trained and exercised at such times as shall be appointed by the Governor, or by such person or persons as he may from time to time authorise in that behalf; provided always that no Volunteer shall be compelled to attend more than one hundred and sixty-eight hours in any one year.

3. Every Volunteer who shall absent himself during any part of the time appointed for training or exercise, and shall not account for such absence to the satisfaction of the Adjutant and the Captain of his Company, shall forfeit and pay any sum not exceeding one pound for every day on which he shall be so absent, to be recovered in a summary way.

4. All Officers of Companies will be appointed by the Governor and names for that purpose are to be submitted to him for his approval, by the Company to which they are proposed to be appointed.

5. The Adjutant and Staff Sergeant of the Militia will act as Adjutant and Sergeant-Major, respectively, to the Volunteers of the District, and all Sergeants and Corporals must be examined and passed as competent by the Adjutant before they will be appointed.

6. All rolls, documents, and correspondence shall be kept at the office of the Adjutant, and shall be open at all times during office hours for the inspection and information of the Officers of the Company to which they relate.

7. All orders and communications from the Governor, or Government of the Colony, shall be transmitted through, and be given out by, the Adjutant.

8. If any arms, accoutrements, or other Government property shall be injured or destroyed by being used except on service, a fine, not exceeding the value of the arms, accoutrements, or other property, shall be paid by the Volunteer in whose charge they

were; such fine to be fixed by the Adjutant and the Captain of the Company, upon consideration of the circumstances, and if not paid to the Adjutant on demand, may be recovered by him on behalf of the Government in any Resident Magistrate's Court in the Colony.

9. Volunteers enrolled under these Regulations shall be subject to the provisions contained in the following sections of the "Militia Act, 1858," namely, sections 1, 3, 6, 7, 9, 18, 19, 20, 21, (except the proviso thereto), 22, 23, and 24.

JAMES HOLT,
Acting Clerk of Executive Council.

AT THE GOVERNMENT HOUSE, AT AUCKLAND,
THE 29TH DAY OF SEPTEMBER, 1860.

Present:—

His Excellency the Governor in Council.

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 make, vary, and abolish Regulations under which the services of Volunteers shall be accepted in any Militia District: Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony, and in exercise of the powers in this behalf vested in him by the said recited Act, doth hereby make and ordain the following Regulations, under which the services of Volunteers shall be accepted in the District of Wanganui.

REGULATIONS.

1. The term of service for each Volunteer to be one year from the day his services are, or in the case of Volunteers already enrolled were, accepted: Provided always that if any Volunteer shall go to reside out of the District, he shall, if he desire, be discharged from further service as a Volunteer.

2. Every Volunteer shall attend to be trained and exercised at such times as shall be appointed by the Governor, or by such person or persons as he may from time to time authorise in that behalf; provided always that no Volunteer shall be compelled to attend more than one hundred and sixty-eight hours in any one year.

3. Every Volunteer who shall absent himself during any part of the time appointed for training or exercise, and shall not account for such absence to the satisfaction of the Adjutant and the Captain of his Company, shall forfeit and pay any sum not exceeding one pound for every day on which he shall be so absent, to be recovered in a summary way.

4. All Officers of Companies will be appointed by the Governor, and names for that purpose are to be submitted to him for his approval, by the Company to which they are proposed to be appointed.

5. The Adjutant and Staff-Sergeant of the Militia will act as Adjutant and Sergeant-Major, respectively, to the Volunteers of the

District, and all Sergeants and Corporals must be examined and passed as competent by the Adjutant before they will be appointed.

6. All rolls, documents, and correspondence shall be kept at the office of the Adjutant, and shall be open at all times during office hours for the inspection and information of the Officers of the Company to which they relate.

7. All orders and communications from the Governor, or Government of the Colony, shall be transmitted through, and be given out by, the Adjutant.

8. If any arms, accoutrements, or other Government property shall be injured or destroyed by being used except on service, a fine, not exceeding the value of the arms, accoutrements, or other property, shall be paid by the Volunteer in whose charge they were; such fine to be fixed by the Adjutant and the Captain of the Company, upon consideration of the circumstances, and if not paid to the Adjutant on demand, may be recovered by him on behalf of the Government in any Resident Magistrate's Court in the Colony.

9. Volunteers enrolled under these Regulations shall be subject to the provisions contained in the following sections of the "Militia Act, 1858," namely, sections 1, 3, 5, 6, 7, 9, 18, 19, 20, 21, (except the proviso thereto), 22, 23, and 24.

JAMES HOLT,
Acting Clerk of Executive Council.

Colonial Secretary's Office,
Auckland, 3rd October, 1860.

THE following Order of Her Majesty in Council, on the subject of appeals from the Supreme Court of New Zealand, is published for General information.

E. W. STAFFORD.

NEW ZEALAND.

Order in Council to make provision for direct Appeals from the Supreme Court of New Zealand to Her Majesty in Council.

At the the Court at Buckingham Palace,
the 10th day of May, 1860.

Present:

The Queen's Most Excellent Majesty,
In Council,

WHEREAS by an Ordinance passed by the Governor and Legislative Council of the Colony of New Zealand in the seventh year of Her Majesty's reign, intituled "Session III., No. I., An Ordinance for establishing a Supreme Court," it was enacted that there should be within the said Colony a Court of Record, called the Supreme Court of New Zealand with the powers and jurisdiction therein specified: And whereas by another Ordinance passed in the tenth year of Her Majesty's reign, and intituled "Session VII., No. III., An Ordinance to amend an Ordinance for establishing a Supreme Court, and to establish a Court of Appeal," it was enacted that

the Governor and Executive Council of the said colony shall have power to receive appeals from the said Supreme Court, and that subject to the rules therein set forth, appeals might be had from the said Court of Appeal to Her Majesty in Council; but it was provided that nothing therein contained should be construed to affect the power and authority of Her Majesty to admit an appeal to Her Majesty in Council from any judgment either of the said Supreme Court or of the Court of Appeal thereby constituted: And whereas no rules have been made by Her Majesty for admitting such appeals and doubts have been entertained whether it is competent for a party to any proceeding before the said Supreme Court to appeal directly from a decision of the said Court to Her Majesty in Council: And whereas by an Act passed in a Session of Parliament holden in the seventh and eighth years of Her Majesty, it was enacted that it should be competent to Her Majesty, by any Order or Orders in Council, to provide for the admission of appeals to Her Majesty in Council from any judgments, sentences, decrees, or orders of any court of justice within any British colony or possession abroad, although such court should not be a court of errors or appeal within such colony or possession, and to make provision for the instituting and prosecuting such appeals, and for carrying into effect any such decisions or sentences as Her Majesty in Council shall pronounce thereon: And whereas it is desirable that provision should be made to enable parties to appeal from the decisions of the said Supreme Court to Her Majesty in Council:

It is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Privy Council, that any person or persons may appeal to Her Majesty, Her heirs and successors, in Her or their Privy Council, from any final judgment, decree, order, or sentence of the said Supreme Court of New Zealand, in such manner, within such time, and under and subject to such rules, regulations, and limitations as are herein-after mentioned; that is to say, in case any such judgment, decree, order, or sentence shall be given or pronounced for or in respect of any sum or matter at issue above the amount or value of five hundred pounds sterling (£500), or in case such judgment, decree, order, or sentence shall involve directly or indirectly any claim, demand, or question to or respecting property or any civil right amounting to or of the value of five hundred pounds sterling (£500), the person or persons feeling aggrieved by any such judgment, decree, order, or sentence may, within fourteen days next after the same shall have been pronounced, made, or given, apply to the said Court by motion or petition for leave to appeal therefrom to Her Majesty, Her heirs and successors, in Her or their Privy Council; and in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any duty, the said Court shall and is hereby empowered

either to direct that judgment, decree, order, or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said Court may appear to be most consistent with real and substantial justice; and in case the said Court shall direct such judgment, decree, order, or sentence to be carried into execution, the person or persons in whose favour the same shall be given, shall, before the execution thereof, enter into good and sufficient security to be approved by the said Court for the due performance of such judgments or order as Her Majesty, her heirs and successors, shall think fit to make thereupon; and in all cases security shall also be given by the party or parties appellant in a bond or mortgage or personal recognizance not exceeding the value of £500 sterling for the prosecution of the appeal and the payment of all such costs as may be awarded by Her Majesty, her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council, to the party or parties respondent: and if such last-mentioned security shall be entered into within three months from the date of such motion or petition for leave to appeal, then, and not otherwise, the said Court shall allow the appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her, or their appeal to Her Majesty, Her heirs and successors, in Her or their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her Majesty from Her Majesty's colonies and plantations abroad.

And it is further ordered that it shall be lawful for the said Supreme Court of New Zealand, at its discretion, on the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said Supreme Court, to grant permission to such party to appeal against the same to Her Majesty, Her heirs and successors, in Her or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Provided also, that if in any action, suit, or other proceeding it shall so happen that no final judgment, decree, order, or sentence can be duly given in consequence of a disagreement of opinion between the Judges of the said Supreme Court, then, and in such case, the final judgment, decree, order, or sentence may be entered *pro forma* on the petition of any of the parties to the action, suit, or other proceedings, according to the opinion of the Chief Justice, or in his absence of the senior Puisne Judge of the said Supreme Court, provided that such judgment, decree, order or sentence shall be deemed a judgment, decree, order, or sentence of the Court for the purpose of an appeal against the same, but not for any other purpose.

Provided always, and it is hereby ordered that nothing herein contained doth or shall extend, or be construed to extend, to take away,

or abridge the undoubted right and authority of Her Majesty, Her heirs and successors upon the humble petition at any time of any person or persons aggrieved by any judgment or determination of the said Court to admit his, her, or their appeal therefrom, upon such terms and upon such securities, limitations, restrictions, and regulations as Her Majesty, Her heirs or successors, shall think fit, and to reverse, correct, or vary such judgment or determination as to Her Majesty, Her heirs and successors, shall seem meet.

And it is further ordered that in all cases of appeal allowed by the said Court or by Her Majesty, Her heirs or successors, the said Court shall certify and transmit to Her Majesty, Her heirs and successors, in Her or their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees, and orders, had or made in such cases appealed, so far as the same have relation to the matters of Appeal, such copies to be certified under the seal of the said Court, and that the said Court shall also certify and transmit to Her Majesty, Her heirs and successors, in Her or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges for or against the judgment or determination appealed against, where such reasons shall have been given in writing, and where such reasons shall have been given orally, then a statement in writing of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against.

And it is further directed and ordained that the said Court shall, in all cases of appeal to Her Majesty, Her heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as Her Majesty, Her heirs and successors, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal order, or other order or rule of the said Court of New Zealand should or might have been executed.

And the most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

W. L. BATHURST.

WHEREAS by the "Coroner's Act, 1858," the Governor is empowered in the manner therein mentioned to appoint fit persons to be Coroners of the several Districts of the Colony of New Zealand, and from time to time to define the Districts within which such Coroners shall respectively have jurisdiction, and every such definition to revoke or amend, and the limits of such Districts to alter as occasion may require,

Now, therefore, I, Thomas Gore Browne, the Governor of the said Colony, in pursuance of the said power and authority, do hereby define the District of

The Bay of Islands,

in the Province of Auckland, to be all the territory comprised within the following boundary—

A line commencing at Cape Brett on the North, along the sea coast to Ngunguru to the South, thence up the course of the Ngunguru river to its source, thence to Ruapeka-pekā, thence in a direct line to the sources of the Kawa Kawa river, along that river to its confluence with the Waikare, thence by the Bay of Islands to the sea, including such portion of the Western side of the Bay of Islands as lies within five miles of the Police Court of Russell.

Given under my hand, at the Government House, at Auckland, this first day of October, One thousand eight hundred and sixty.

T. GORE BROWNE.

By His Excellency's command,

FRED. WHITAKER.

Colonial Secretary's Office,
Auckland, 2nd October, 1860.

THE following Bills, intituled
 "The Private Bills Evidence Act, 1860,"
 "The Absent Debtors Act, 1860,"
 "The Absent Defendants Act, 1860,"
 "The Foreign Seaman's Act, 1860,"
 "The Remission of Penalties Act, 1860,"
 "The Fraudulent Trustees Act, 1860,"
 "The Bankers Returns Act Amendment Act, 1860,"
 "The Married Women's Property Protection Act, 1860,"
 "The Gold Fields Act 1858-1860,"
 "The Mercantile Law Amendment Act, 1860,"
 "The Lyttelton and Christchurch Railway Act, 1860,"
 "The Purchas and Ninnis Flax Patent Act, 1860,"
 "The Summary Proceedings Improvement Act, 1860,"

passed by the Legislative Council and House of Representatives having been presented to the Governor for the Royal assent, His Excellency has, in the name of Her Majesty, been pleased to assent to the said Bills.

E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 2nd October, 1860.

THE following Bill passed by the Provincial Council of the Province of Canterbury, intituled,

"The Lyttelton and Christchurch Railway Loan Ordinance, Sess. xiii., No. 1. which Bill was reserved for the signification of the Governor's pleasure thereon, having been laid before the Governor, His Excellency has been pleased to assent to the same.

E. W. STAFFORD.

Attorney-General's Office,
Auckland, 2nd October, 1860.

HIS Excellency the Governor has been pleased to appoint

ROBERT CLAPHAM BARSTOW, Esquire,

to be Coroner under the "Coroner's Act, 1858," for the District of the Bay of Islands.

FRED. WHITAKER.

NOTICE is hereby given that in pursuance of the provisions of the Imprisonment for Debt Ordinance, Session 3, No. 7, the Court will sit at Auckland on Saturday the twenty-seventh day of October instant, for the hearing of applications for relief and for the despatch of all business arising under the provisions of the above Ordinance.

THOMAS OUTHWAITE,
Registrar.

Supreme Court Office,
Auckland, 1st October, 1860.

IN THE SUPREME COURT OF NEW ZEALAND.

In the Estate of THOMAS DEIGHTON, of Auckland, deceased, intestate.

PURSUANT to the Rule of this Honorable Court, the Creditors of the above-named Intestate are, on or before the Third day of December next, to come in and prove their debts before Thomas Outhwaite, Esq., at his office in the Court House, Queen-street, Auckland, or in default thereof, they will be peremptorily excluded from all benefit arising from the said Estate.

THOS. OUTHWAITE,
Registrar.

Supreme Court Office, Auckland,
3rd September, 1860.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, To Samuel Browning of Queen-street, Auckland, Merchant, George Walker of Auckland, Settler, Jerry Waite of Auckland, Lime Vendor, George Clarke Boatman, William Gardiner Farmer, Henry Nicholas Barman, and Henry Vernon Ac-

countant, all of Auckland aforesaid, and each of you. Whereas an action hath been commenced in the Supreme Court of the Colony of New Zealand, wherein Philip Aaron Philips of Queen-street, in the City aforesaid, General Storekeeper, is Plaintiff, and Albert John Nicholas late of Fore-street in the City aforesaid, Innkeeper, is Defendant. And whereas it has been made known to us that there is personal property belonging to the said Albert John Nicholas now in the custody or possession, or in the hands, or under the control of you, the said Samuel Browning, George Walker, Jerry Waite, George Clarke, William Gardiner, Henry Nicholas, and Henry Vernon, or some or one of you. We command you, that you do not sell or otherwise dispose of or part with the said personal property or any part thereof of the said Albert John Nicholas, until the further order of our said Court shall be made known to you.

Witness, George Alfred Arney
Esq., Chief Justice of our
L.S. Supreme Court, of the Colony of
New Zealand, this Eleventh
day of September one thousand
eight hundred and sixty.

This Writ was sued out by Frederick Ward Merriman and Samuel Jackson of Queen-street, in the City of Auckland, Solicitors for the within named Philip Aaron Phillips.

THE Partnership hitherto carried on by the undersigned under the style of Bain, Grahame, and Co., at Auckland, and John Robertson and Co., at Sydney, New South Wales, is this day dissolved by mutual consent.

Mr. John Robertson is authorised to receive all monies due to the late firms of Bain, Grahame, and Co., and John Robertson and Co., and to liquidate all debts due by them.

J. WATSON BAIN,
WALTER GRAHAME,
GEO. P. PIERCE,
JOHN ROBERTON.

Auckland, 1st October, 1860.

