



The New Zealand Gazette.

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TUESDAY, NOVEMBER 12, 1861.

ORDER IN COUNCIL

Prohibiting carriage coastwise of Spirits, within certain parts of the Colony.

AT THE GOVERNMENT HOUSE, AT AUCKLAND, THE FOURTH DAY OF NOVEMBER, 1861.

Present:—

His Excellency the Administrator of the Government in Council.

WHEREAS by the 123rd Section of the "Customs Regulation Act, 1858," it is enacted that any goods whatever may, by Proclamation or Order of the Governor in Council (revocable from time to time), be prohibited to be exported or to be carried coastwise, and any such prohibition may apply to the whole Colony or to any part thereof; and if any goods shall be exported from the Colony or carried coastwise contrary to any such prohibition, or be water borne to be so exported or carried, they shall be forfeited; and any person offending against the provisions of such Section, or of any Proclamation or Order issued in pursuance thereof, shall for every such offence forfeit and pay the sum of £500.

Now, therefore, His Excellency the Administrator of the Government, with the advice and consent of the Executive Council of New Zealand, in pursuance and exercise of the said power and authority, and of all other powers him in that behalf enabling, doth hereby Order, that the carriage coastwise of spirits and strong waters of any description, from any port or place in the Colony, to any port or place on or near to the coast, extending from a point lying midway between the rivers Ohiwa and Opotiki in the Bay of Plenty, in the Province

of Auckland, to and including the river Nuhaka in Hawke's Bay, in the Province of Hawke's Bay, shall be, and the same is hereby prohibited from and after the fourth day of November now instant.

J. HOLT,
Clerk Executive Council.

Defining Warrant District of Nelson under the Sheriffs' Act, 1858.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Administrator of the Government of the Colony of New Zealand and its Dependencies.

WHEREAS by the "Sheriffs' Act, 1858," the Governor is empowered, in the manner therein mentioned, to appoint fit persons to be Sheriffs of the several Districts of the Colony of New Zealand, and from time to time to define the Districts within which such Sheriffs 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, Sir George Grey, the Administrator of the Government of the said Colony, in pursuance of the said power and authority, do hereby define the District of Nelson, under the said Act, to be all the Territory comprised within the Province of Nelson.

Given under my hand at Government House, at Auckland, this fourth day of November, One thousand eight hundred and sixty-one.

G. GREY.

By His Excellency's command,
HENRY SEWELL.

Colonial Secretary's Office,
Auckland, 12th November, 1861.

IT is hereby notified that a Writ issued for the election of a Superintendent for the Province of Auckland, has been returned with a certificate to the effect that

JOHN WILLIAMSON
has been duly elected.

HENRY SEWELL,
In the absence of Mr. Fox.

Colonial Secretary's Office,
Auckland, 12th November, 1861.

IT is hereby notified, that a Writ issued for the election of a Member of the Provincial Council of Canterbury, for the District of Timaru, has been returned with a certificate to the effect that

ROBERT WILKIN
has been duly elected.

HENRY SEWELL,
In the absence of Mr. Fox.

Colonial Secretary's Office,
Auckland, 12th November, 1861.

THE following Despatches from the Right Hon. the Secretary of State for the Colonies, and the Acts of the Imperial Parliament enclosed therein respectively, are published for general information.

HENRY SEWELL,
In the absence of Mr. Fox.

Downing Street,
10th August, 1861.

SIR,—Governor Gore Browne in his Despatch of the 29th November last, No. 124, forwarded, in compliance with a resolution of the House of Representatives, a case which they were desirous should be submitted for the opinion of the Law Officers of the Crown, having reference to the legality of the "New Zealand New Provinces Act," of 1858.

I accordingly caused the case to be referred to the Law Officers, and I now transmit to you for your own information, and for that of your Responsible Advisers, a copy of a letter received in reply, from which it will be seen that the Law Officers were of opinion that the General Assembly had not the power to constitute new Provinces.

As the Act in question was one of much value and importance, and as great confusion would be caused in the Colony by impeaching the proceedings which had taken place under its authority, I came to the conclusion that an Act of Parliament ought at once to be passed to establish the validity both of the local Act and all that had been done under it, and at the same time, to give power to the local Legislature to constitute new Provinces in future.

The Act received Her Majesty's assent on the 11th ulto., and a copy of it is herewith forwarded to you.

I have, &c.,
NEWCASTLE.
Governor Sir George Grey, K.C.B.,
&c., &c., &c.

AN ACT to declare the validity of an Act passed by the General Assembly of New Zealand, intituled an Act to provide for the Establishment of new Provinces in New Zealand. [11th July, 1861.]

WHEREAS by an Act of the Session holden in the fifteenth and sixteenth years of Her Majesty, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was provided that certain Provinces therein mentioned should be established in the said Colony, and that in every such Province there should be a Provincial Council, and that there should be in the said Colony a General Assembly competent to make laws for the Peace, Order, and good Government of the same; and by the sixty-ninth section of the said Act it was further provided that it should be lawful for the said General Assembly to constitute new Provinces in the said Colony, and to appoint the number of Members of which the Provincial Councils thereof should consist, and to alter the Boundaries of any Provinces for the time being existing, provided always that any Bill for any of the said purposes should be reserved for the signification of Her Majesty's pleasure thereon: And whereas by an Act of the Session holden in the twentieth and twenty-first years of Her Majesty, intituled "An Act to amend an Act for granting a Representative Constitution to the Colony of New Zealand," it was enacted that the sixty-ninth section of the said first-recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the provisions of the said Act, except the third section, and certain others therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the twenty-first and twenty-second years of Her Majesty, intituled "An Act to provide for the Establishment of new Provinces in New Zealand," did authorise the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas doubts are entertained whether it was competent to the said General Assembly to make such provision, and to the said Governor to establish such new Provinces as aforesaid, and it is expedient that such doubts should be set at rest: And whereas it is also expedient that the said General Assembly should be at liberty to alter part of the third section of the herein-before first-recited Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the said General Assembly, by any Act or Acts to be by them from time to time passed, or for the Officer Administering the Government of New Zealand, acting under authority of any such Act

or Acts, to constitute new Provinces in New Zealand, and to direct and appoint the number of Members of which the Provincial Councils of such Provinces shall consist, and to alter the Boundaries of any Provinces for the time being existing in New Zealand.

2. It shall be lawful for the said General Assembly to alter, suspend, or repeal so much of the third section of the herein-before first-recited Act of Parliament as provides that the Provincial Council in each of the Provinces thereby established shall consist of such number of Members, not being less than nine, as the Governor shall by Proclamation appoint.

3. The herein-before recited Act passed by the said General Assembly, and all Acts, matters, or things done under and in pursuance of authority created or given or expressed to be created or given by the same Act, shall be, and shall be deemed to have been from the passing or doing thereof, as valid and effectual for all purposes whatever as such Acts, matters, or things might or would have been if at the time of the passing of the same Act by the said General Assembly this Act of Parliament had been in force.

4. The provisions of the two herein-before recited Acts of Parliament as altered by this Act shall apply to all Provinces at any time existing in New Zealand, in like manner and under the same conditions as the same apply to the Provinces established by the herein-before first-recited Act of Parliament.

Downing-street,

August 26th, 1861.

SIR,—My attention having been called by the Governor of Victoria to what was represented to be an inconvenient operation of the Imperial "Passengers' Act, 1855," upon the Steam Boats plying between that and the other Australian Colonies, with regard to the limitation which it imposed in respect of the numbers of passengers who could be conveyed on board such vessels, it was determined by Her Majesty's Government, after a full consideration of the question, to introduce into Parliament a Bill to amend the Imperial Passengers' Act in the manner suggested.

I transmit to you a copy of the Act which has been passed to effect this object, and to which Her Majesty's assent has been given.

Copies of the Act will be forwarded by the present mail to the Governors of the other Australian Colonies.

I have, &c.,

NEWCASTLE.

The Officer Administering
the Government, &c., &c.,
New Zealand.

AN ACT to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies. [1st August, 1861.]

WHEREAS by the thirteenth and fourteenth sections of the "Passengers Act, 1855," cer-

tain Rules are prescribed for determining the Number of Passengers to be carried in Passenger Ships, and the decks on which Passengers may be carried: And whereas it is expedient to empower the Governor of any of Her Majesty's Colonies in Australasia to substitute, if he shall think fit, other Rules on these points for Vessels carrying Passengers from any such Possession to any other of Her Majesty's Possessions in Australasia: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the Governor of each of Her Majesty's Colonies already or hereafter to be established in Australasia, by any Proclamation to be by him from time to time issued for the purpose (which Proclamation shall take effect from the issuing thereof, if no day shall be named therein for the purpose), to prescribe such Rules as he shall think proper for determining the Number of Passengers to be carried in any Passenger Ship which shall proceed from any such Colony to any other of Her Majesty's Possessions for the time being in Australasia, and for determining on what deck or decks, and subject to what reservations or conditions, Passengers may be carried, and also to prescribe such Penalties for the infraction or non-observance of such Rules as to such Governor may seem proper.

2. From the time when any such Proclamation shall take effect, and so long as the same shall continue in force, the Rules and Enactments contained in the said "Passengers Act, 1855," relating to the Number of Passengers to be carried in any Passenger Ship, and the deck or decks whereon they are to be carried, shall cease to apply to any Vessel to which such Proclamation shall be applicable, save only as to the recovery and application of any Penalty for any offence committed against the said Act before such Proclamation shall take effect.

3. The provisions and requirements of every such Proclamation shall be enforced in the same manner, and in all Her Majesty's Dominions, as if they were incorporated in the said Passengers Act, or in any Act of a like nature which may hereafter be passed by the Legislature of the United Kingdom, and a copy of any such Proclamation, purporting to be under the hand of the Governor of the Colony wherein the same may have been issued, and under the Public Seal of such Colony, shall in any part of Her Majesty's Dominions wherein the same shall be produced be received as good and sufficient evidence of the due issuing and of the contents of such Proclamation, unless it shall be proved that such copy is not genuine.

4. The expression "Governor," "Passenger Ship," "Passenger," shall in this Act have respectively the same signification as in the said "Passengers Act, 1855"; and the term

