



# The New Zealand Gazette.

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## A PROCLAMATION

*Disallowing certain Canterbury Ordinances.*

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice Admiral of the same, &c., &c., &c.

WHEREAS by an Act made and enacted in the Imperial 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 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 the Ordinances hereinafter specified have been enacted by the Superintendent of Canterbury, with the advice and consent of the Provincial Council thereof, and the said Ordinances were received by the Governor on the Third day of March, One thousand eight hundred and sixty-three:

And whereas it is expedient that the said Ordinances 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 following Ordinances passed by the Superintendent and Provincial Council of the Province of Canterbury, viz.:

- "The Fencing Ordinance, 1862,"
- "White's Waimakariri Bridge Ordinance, 1862,"
- "The Diversion of Roads Special Ordinance, 1862," and
- "The Town of Sefton Ordinance, 1862."

Given under my hand at New Plymouth, and issued under the Seal of the Colony of New Zealand this tenth day of April, in the year of Our Lord, One thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,  
ALFRED DOMETT.

GOD SAVE THE QUEEN!

## PROCLAMATION

*Appointing Circuit Courts to be held at Nelson and Napier.*

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies,

and Vice-Admiral of the same,  
&c., &c., &c.

**W**HEREAS by an Act of the General Assembly of New Zealand, intituled "The Supreme Courts Act, 1860," it is provided that there shall be held Circuit Courts for the despatch of civil and criminal business of the Court before one of the Judges thereof, at such times and places as the Governor in Council may from time to time appoint; and whereas by a Proclamation dated the Twenty-sixth day of February, One thousand eight hundred and sixty-one, Circuit Courts were appointed to be held for the Middle District of the said Colony, at the Town of Wellington, and at the Town of Nelson, on the several days therein respectively mentioned, and it is expedient that the times so appointed for the holding of such Courts at Nelson aforesaid should be altered as hereafter set forth, and that Circuit Courts should also be holden for the said District at the Town of Napier:

Now therefore I, the Governor, with the advice and consent of the Executive Council of New Zealand, in pursuance and further exercise of the said power and authority, do hereby proclaim and appoint that Circuit Courts for the Middle District of the said Colony shall be held for the despatch of criminal and civil, business of the Court, before the Judge thereof to whom the said District has been assigned, at the Town of Nelson, on the sixteenth day of May and the sixteenth day of November, in every year, and at the Town of Napier on the first day of February and the first day of August in every year, or as soon after the said days respectively as conveniently may be; and, in case any one of the said days so fixed as aforesaid shall happen to be a Sunday or holiday, then the Court appointed for such day shall be holden on the day following.

Given under my hand at New Plymouth, and issued under the Seal of the Colony of New Zealand, this thirteenth day of April, in the year of Our Lord One thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,  
ALFRED DOMETT.

GOD SAVE THE QUEEN!

#### A PROCLAMATION

*For the Naturalization of certain Persons.*

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice Admiral of the same, &c., &c.

**W**HEREAS by "The Naturalization Act, 1862," it is enacted that every person who shall be declared to come within

the operation of that Act by any Proclamation to be issued in that behalf by His Excellency the Governor, shall, as from the time in such Proclamation specified, be deemed and taken until the termination of the next Session of the General Assembly, to be, and to have been from such specified time, a natural-born subject of Her Majesty, within the Colony of New Zealand, as fully to all intents and purposes as if his name had been inserted in the Schedule to that Act annexed. Provided always that every such Proclamation shall contain the description, occupation or calling of every person therein named, and his place of residence at the date of such Proclamation:

Now, therefore, I, Sir George Grey, the Governor of New Zealand, in pursuance of the power and authority in me vested by the said Act, do hereby proclaim and declare that the persons hereinafter mentioned shall come within the operation of the said Act from the dates hereinafter specified, viz. :—

FRITZ SCHLUTER,

From the Thirtieth day of September, One thousand eight hundred and sixty-two, Native of Prussia, Hotel-keeper, residence City of Nelson, Province of Nelson.

JOHAN KESSEN,

From the Sixth day of March, One thousand eight hundred and sixty-three, Native of Germany, Sawyer, residence Woodend, in the Province of Canterbury.

Given under my hand, at New Plymouth, and issued under the seal of the Colony of New Zealand, this thirteenth day of April, One thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,  
ALFRED DOMETT.

GOD SAVE THE QUEEN!

#### WARRANT

*Appointing Petty Sessions of the Peace to be held at Rangitikei.*

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, and Vice-Admiral of the same, &c., &c.

**K**NOW all men by these presents that I, Sir George Grey, the Governor as aforesaid of the said Colony, in pursuance and execution of the power for this purpose vested in me by the "Petty Sessions Act, 1858," do hereby appoint that Petty Sessions of the Peace shall be held in and for the Petty Sessional District of Rangitikei at the times and places hereunder set forth, that is to say:—

At Turakina, at the "Ben Nevis" hotel, on the second Tuesday in every month, at eleven o'clock in the forenoon.

At Marsden, Upper Rangitikei, in the Court House, on the third Wednesday in every month, at eleven o'clock in the forenoon.

As witness my hand, at New Plymouth, this tenth day of April, one thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,  
ALFRED DOMETT.

*Warrant appointing Trustees of Savings Banks Lyttelton and Christchurch.*

By His Excellency Sir GEORGE GREY, Knight Commander of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

**I**N exercise of the power vested in me by the "Savings Bank Act, 1858," I, Sir George Grey, the Governor of the Colony of New Zealand, do hereby nominate and appoint the persons hereinafter named to be Trustees of the Lyttelton Savings Bank, in addition to those appointed by my predecessor on the eighteenth day of April, One thousand eight hundred and sixty-one, namely:—

Edward D. Byrne,  
Frederick Banks,  
J. Lewis Coster,  
Edgar Ivens,  
William Reeves,  
Thomas Ritchie,  
John T. Rouse,  
Robert Symington.

And do also hereby further nominate and appoint the persons hereinafter named to be Trustees of the Christchurch District Branch of the Lyttelton Savings Bank, in the stead and place of the Trustees appointed by His Honor the Superintendent of the Province of Canterbury on the 10th February, 1858, namely:—

Herbert E. Alport,  
John Bealey,  
Edward B. Bishop,  
George Gould,  
Grosvenor Miles,  
Charles W. Turner,  
Frederick Thompson,  
William D. Wood.

Given under my hand, at New Plymouth, this tenth day of April, one thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,  
READER WOOD.

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

**T**HE following Despatch from H.M. Principal Secretary of State, with its Enclosure, is published for general information.

READER WOOD,

In the absence of Mr. Domett,

Downing Street,

22nd January, 1863.

SIR,—I have the honor to transmit for your information and for insertion in the public papers, the accompanying copy of an Order of Her Majesty in Council of the 9th instant, for the purpose of allowing the Distilling Apparatus of Mr. Gravely, as well as that of Dr. Normandy, to be used on board passenger Ships.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.,  
&c., &c., &c.,

*At the Court at Osborne House, Isle of Wight,  
the 9th day of January, 1863,*

Present:—

The Queen's Most Excellent Majesty in Council.

**W**HEREAS by "the Passengers Act, 1855," it is amongst other things enacted, that before any passenger ship shall be cleared out, the emigration officer at the port of clearance shall satisfy himself that there is on board a sufficient quantity of pure water, carried in tanks or casks, to secure throughout the intended voyage the issue of three quarts daily to each statute adult, for the use of the passengers, exclusive of the quantity required for cooking.

And whereas it is also enacted, that it shall be lawful for Her Majesty, by any Order in Council, to prescribe such rules and regulations as to Her Majesty may seem fit, for permitting the use on board passenger ships of an apparatus for distilling water, and for defining, in such case, the quantity of fresh water to be carried in tanks or casks for the passengers, and such Order in Council from time to time to alter, amend, and revoke, as occasion may require.

And whereas Her Majesty, by Orders in Council, dated, respectively, the sixth day of May, one thousand eight hundred and fifty-seven, and the thirteenth day of May, one thousand eight hundred and fifty-nine, prescribed certain rules for permitting the use on board passenger ships propelled by steam engines of a certain power, and on board passenger ships propelled by sails, of a certain apparatus for distilling fresh water from salt water.

And whereas it is expedient to repeal the said Order in Council that relates to passenger ships propelled by sails, and to issue in lieu thereof the Order hereinafter contained.

Now, therefore, Her Majesty doth, by, and with the advice of Her Privy Council, and in pursuance and in exercise of the authority vested in Her by the said "Passengers Act, 1855," hereby repeal the said Order in Council of the thirteenth day of May, one thousand eight hundred and fifty-nine, and order as follows:—

Any passenger ship propelled by sails only, or by steam engines of less power than is sufficient, without the aid of sails, to propel the ship at the rate of five statute miles an hour may be cleared out and proceed on her voyage, having on board, in tanks or casks, only half

the quantity of pure water required by the said Act to be carried for the use of the passengers, provided the following conditions be observed; that is to say:

1. That there be on board such ship an efficient apparatus for distilling fresh water from salt water, of the description commonly known either as Normandy's Patent or Winchester and Gravelly's Patent.

2. That the owners, charterers, or master of such ship, before clearance, lodge with such emigration officer a certificate from the engineer or surveyor of the Board of Trade, or from some other competent person to be named by such emigration officer, declaring that within seven days immediately preceding the date of such certificate, the apparatus has been examined by him and is then in good working condition, and stating the number of imperial gallons of pure fresh water which it is capable of producing in every twenty-four hours, and further, declaring that the apparatus on board is either Normandy's or Winchester and Gravelly's Patent, as the case may be.

3. That in every case such emigration officer shall be satisfied that the number of gallons of pure water which the apparatus is so certified to be capable of producing, is not less than the whole number of persons about to proceed on the intended voyage of such ship,—that is to say, the whole number of cabin-passengers, passengers, and crew.

4. That there is rated on the ship's articles, and that there is on board the ship, some person or persons who, to the satisfaction of the said emigration officer, shall be competent for the proper management and repair of such distilling apparatus.

And, to prevent all doubts on the construction of this Order in Council, it is hereby further ordered, that the terms "passenger ship," "emigration officer," "statute adult," and "master," shall herein have the same significations as are assigned to them respectively in the said "Passengers Act, 1855."

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.

EDMUND HARRISON.

Colonial Secretary's Office,  
Auckland, April 20th, 1863.

HIS Excellency the Governor has been pleased to appoint the following gentlemen to be Revising Officers for the Electoral Districts specified opposite their names:—

Laughlin O'Brien, Esq.	}	Mongonui
		Bay of Islands
		Marsden
		Northern Division
		City of Auckland East
		City of Auckland West
		Parnell
		Newton
		Pensioner Settlements
		Town of Onehunga
		Franklin
		Raglan

William Esq.,	Halse,	}	Grey and B		
			Town of Nell Plymouth		
Robert Hart, Esq.,	}	}	Omata		
			Wanganui		
			Rangitiki		
			Porirua		
			City of Wellington		
			Hutt		
			Wairarapa		
			Napier		
			Clive		
			Collingwood		
George A. Oliver, Esq.	}	}	Motueka		
			City of Nelson		
			Suburbs of Nelson		
			Waimea		
			Pictou		
			Wairau		
			Cheviot		
			Kaipoi		
			Avon		
			Heathcote		
Thomas Connell, Esq.	}	}	Ellesmere		
			City of Christchurch		
			Town of Lyttelton		
			Akaroa		
			Timaru		
			Dunedin and Suburbs		
			North		
			Dunedin and Suburbs		
			South		
			Hampden		
Henry Bacon Quinn, Esq.,	}	}	Bruce		
			Wallace		
			James Prender- gast, Esq.		
			}	}	Dunedin and Suburbs
					North
Dunedin and Suburbs					
South					
Hampden					

READER WOOD,  
In the absence of Mr. Domett.

J. L. C. Richardson, Esq., elected to House of Representatives.

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

IT is hereby notified that a Writ, issued for the election of a Member of the House of Representatives for the Electoral District of Dunedin and Suburbs North, has been returned with a certificate to the effect that

JOHN LARKINS CHEESE RICHARDSON, Esq., has been duly elected.

READER WOOD,  
In the absence of Mr. Domett.

Auckland Loan Bill assented to.

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

THE following Bill passed by the Provincial Council of Auckland, intitled,—

"The Auckland Loan Act, 1863,"

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.

READER WOOD,  
In the absence of Mr. Domett,

*Taranaki Loan Ordinance assented to.*

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

THE following Ordinance passed by the Provincial Council of Taranaki, intituled—  
“The Loan Ordinance, 1863,”

which Ordinance 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.

READER WOOD,  
In the absence of Mr. Domett.

*Canterbury Ordinances left to their operation.*

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

THE following Ordinances passed by the Provincial Council of Canterbury, intituled,—

- “The Public House Ordinance, 1862,”
- “The Trespass of Cattle Ordinance, 1862,”
- “The Cattle Driving Ordinance, 1862,”
- “The Heathcote Bridge Ordinance, 1862,”
- “The Immigrant Barracks Ordinance, 1862,”
- “The Electric Telegraph Ordinance, 1862,”
- “The Dog Nuisance Amendment Ordinance, 1862,”
- “The Thistle Ordinance, 1862,”
- “The Municipal Council Reserves Ordinance, 1862,”
- “The Executive Government Amendment Ordinance, 1862,”
- “The Bail for Petty Offences Ordinance, 1862,”
- “The Appropriation Ordinance, 1862,”
- “The Christchurch Hospital Ordinance, 1862,”

having been laid before the Governor, His Excellency has been pleased to leave the same to their operation.

READER WOOD,  
In the absence of Mr. Domett.

*Southland Ordinance assented to.*

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

THE following Bills passed by the Provincial Council of Southland, intituled—

- “The Roads Ordinance, 1862,”
- “The Debentures Ordinance, 1863,”
- “The Bluff Harbour and Invercargill Railway Ordinance, 1863,”
- “The Road Diversion Ordinance, 1863,”
- “The Appropriation Ordinance, No. 1. 1863,”

which Bills were 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.

READER WOOD,  
In the absence of Mr. Domett.

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

HIS Excellency the Governor has been pleased to appoint the following gentlemen to be Emigration Officers for the Ports set opposite their names :—

- Walter Harsant, Esq., Raglan
- Stephen Lunn Müller, Esq., Wairau
- John Allen, Esq., Picton
- Thomas Windle Parker, Esq., Oamaru
- Alexander William Logie, Esq., Taieri
- James Maitland, Esq., Molyneux
- Daniel Shea Lawlor, Esq., Riverton
- Christopher Francis DeSales O'Toole, Esq., Bluff Harbour.

READER WOOD,  
In the absence of Mr. Domett.

**MILITIA AND VOLUNTEERS.***Appointment of Captain Allison, Lieutenant McGregor, and Ensign Lees.*

Colonial Secretary's Office,  
Auckland, 20th April, 1863.

HIS Excellency the Governor has been pleased to make the following appointments in the “Caledonian Rangers,” Wanganui Rifle Volunteers :—

- James Allison, to be Captain; date of Commission, 16th April, 1863.
- Alexander McGregor, to be Lieutenant; date of Commission, 16th April, 1863.
- Allan Lees, to be Ensign; date of Commission, 16th April, 1863.

READER WOOD,  
In the absence of Mr. Domett.

*W. E. Thomas, Esq., J.P., appointed a Resident Magistrate.*

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 15th April, 1863.

HIS Excellency the Governor has been pleased to appoint

WILLIAM ESDAILE THOMAS, Esq., J.P., at the Chatham Islands, to be a Resident Magistrate, under the Resident Magistrates' Court Ordinance.

READER WOOD,  
In the absence of Mr. Domett.

*H. W. Robinson, Esq., appointed Justice of the Peace.*

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 16th April, 1863.

HIS Excellency the Governor has been pleased to appoint

HENRY WIRGMAN ROBINSON, Esq., in the Province of Otago, to be a Justice of the Peace for the Colony of New Zealand.

READER WOOD,  
In the absence of Mr. Domett.

*H. W. Robinson, Esq., appointed Resident Magistrate.*

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 16th April, 1863.

**H**IS Excellency the Governor has been pleased to appoint

HENRY WIRGMAN ROBINSON, Esq., J.P.,  
in the Province of Otago, to be a Resident Magistrate, under the Resident Magistrates Court Ordinance.

READER WOOD,  
In the absence of Mr. Domett.

*R. Beetham, Esq., J.P., appointed a Resident Magistrate.*

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 23rd March, 1863.

**H**IS Excellency the Governor has been pleased to appoint

RICHMOND BEETHAM, Esq., J.P.,  
of Wakatipu, in the Province of Otago, to be a Resident Magistrate, under the Resident Magistrates' Court Ordinance.

READER WOOD,  
In the absence of Mr. Domett.

*Reprint of Notice under "Sale of Spirits Ordinance."*

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 18th April, 1863.

**T**HE attention of Magistrates within the Colony is called to the following reprint of a Notice under the "Sale of Spirits Ordinance."

READER WOOD,  
In the absence of Mr. Domett.

#### NOTICE.

Colonial Secretary's Office,  
Auckland, 2nd May, 1855.

**N**OTICE is hereby given that, in order to put a stop as much as possible to the evil of drunkenness amongst the Native population, his Excellency the Officer administering the Government has been pleased to notify that the whole penalty which may be inflicted for a breach of the "Sale of Spirits Ordinance" is to be handed over to the informer.

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

Colonial Secretary's Office,  
Judicial Department,  
Auckland, 20th April, 1863.

**T**HE following questions proposed by His Honor the Chief Justice at the late examination of Articled Clerks are published for general information.

READER WOOD,  
In the absence of Mr. Domett.

#### *General and Constitutional Law.*

1. What is the "Common Law" of England and where is it found?
2. What Rules are they by which the validity of a "Custom" may be tested or established?
3. Give the leading Rules for construing Statutes with reference especially to
  - (1.) The law before passing the Act, "the mischief, the remedy, the reason of the remedy.
  - (2.) The maxim *ut res magis valeat*.
  - (3.) The Statutes *in pari materiâ*.
  - (4.) The interpretation of the language, e.g. by the letter, the whole Act, clause by clause and a reference to the subject, matter.
  - (5.) Words or phrases that are permissive, directory, imperative.
  - (6.) The Preamble as restraining or not restraining the enacting clauses.
  - (7.) Their repeal by non-user (?) by express words, by implication.
4. Give an outline of the principal provisions of Magna Carta and the Carta de Foresta, that tend directly to the benefit of the whole community e.g., fines or forfeitures, fisheries, bridges, testamentary disposition, matters of police, provisions for encouragement of commerce, the administration of Justice (distinguishing especially the times, places, courts, and inquests), the liberties of towns or of individuals; and
5. Transcribe the celebrated 29th chapter of Magna Carta.
6. State what you know of the provisions of,—

- (1.) The Petition of Rights.
- (2.) The Habeas Corpus Acts e.g.; 16 Car 1 c 10; 31 Car 2 c 2; 56 Geo 3 c 10.
- (3.) The Bill of Rights.

#### *The Law of New Zealand.*

7. What portion of the law of England is law in New Zealand?
8. Mention some of the principal differences between the law of New Zealand and the law of England.
9. Enumerate the principal special laws of New Zealand connected with the administration of Justice.

#### *Civil Law.*

Rights, Wrongs, Remedies, Tribunals, Practice.

10. Mention some of the "Maxims" of the Common Law and illustrate their application.
11. Define a Contract and give the broad essentials to make a valid contract.
12. Distinguish contracts by Record, by Specialty, by Farol.
13. What constitutes a Deed according to the law of New Zealand, and in what respect does it differ from a deed by the law of England?
14. What do you understand by the "consideration" for a promise in a contract; state the classes of consideration, valid or invalid?
15. What are the principal provisions of the "Statute of Frauds" with regard to contracts?
16. State the general effect of the provisions

of the "Mercantile Law Amendment Act, 1860," passed by the General Assembly of New Zealand, with reference to

- (1.) The title of a person to goods acquired by him before the seizure thereof by an execution creditor under a *fi fa*.
- (2.) The remedy given to a Plaintiff in an action for a breach of contract to deliver specific goods for a price in money.
- (3.) The consideration for a guarantee.
- (4.) Guarantees to or for a firm.
- (5.) The right of a surety who has discharged the debt, as to securities.
- (6.) Acceptances of Bills of Exchange.

17. Explain the different kinds of Bailment and the duties and liabilities of the Bailees respectively *e.g.*

- (1) A depositary of goods for the use of the bailor without reward.
- (2) A mandate or gratuitous commission.
- (3) A loan.
- (4) A bailment of goods to be used by the bailee for hire.
- (5.) Ditto of goods to be worked upon or carried for hire.
- (6) A pawn.

18. What is a Charter Party? What a Bill of Lading? To what extent can the master of a ship bind the owners with or without the owner's knowledge under either of these forms of contract?

19. When goods are put on board in pursuance of a Charter Party and a Bill of Lading is given for them by the master what is the import of the Charter Party, and Bill of Lading respectively?

20. When is the Bill of Lading conclusive of the shipment of the goods

1. Between the shipper and master.
2. Between the shipper and shipowner (*Berkely v. Watling*, 7. a & Ell, & 18 & 19 Vic c. III.)

21. What is "Stoppage in transitu"? How far is the right thereto consistent with the property and right of possession being vested in the consignee, as evidenced by the delivery of the goods on board and his being named as consignee in the Bill of Lading?

22. What is Demurrage? What Primage? What special or petty Average? What general Average?

23. In what cases can the agent, holder of a Bill of Lading, bind the owner of the goods mentioned therein by a contract by way of pledge, or security, made by such agent with a third person for a loan or advance on the security of such Bill of Lading? ("Advances to Agents Act, 1861.")

24. What is a Promissory Note? What a Bill of Exchange? What is the relative legal positions *inter se* of the maker, payee and indorsee of a Note, and of the drawer, acceptor and indorsee of a Bill?

25. Give instances of "Wrongs" to the Character, Person, or Property whether Personal or Real.

26. State what you know of the law of Nuisance, Public or Private.

27. What is an Executor? What an Administrator.

28. To whom should general Letters of Administration be granted, and how far is the claim to administration affected by the primogeniture, sex, solvency, or being a creditor, upon the estate of deceased?

29. What are administrations "cum testamento annexo," "de bonis non," and what are temporary, or limited administrations?

30. If a foreigner die intestate within the British dominions, according to what law will the right to administration be determined?

31. An intestate was domiciled in a foreign country and left assets in British dominions, Where must administration be taken out, and by what law must the distribution of the personal property be regulated? And in what country must the administration be conducted?

32. Money due on a mortgage,—On death of mortgagee, is it part of his real or of his personal estate?

33. If the mortgaged property be sold under the usual power, but after the death of the mortgagor, is the surplus produce realty or personalty? explain the reasons of your answer.

What are the limitations to the recovery of debts; and what are the provisions of Lord Tenterden's Act, as to the saving the Statutes of Limitation?

34. Mention one or more "leading cases" on some important doctrine or doctrines of the law of contracts, stating the result of the decisions.

#### *Real Property and Conveyancing.*

35. What are "Things Real"? What are "Chattels Real"?

36. What classes of property are covered by the words "lands," "tenements" "hereditaments"?

37. What is an "Estate" in Realty; what does the word imply as to interest or ownership?

38. What is a Fee-simple, and how many kinds of this estate are noted by Blackstone?

39. What is the difference between a "base" and a "conditional" fee?

40. What are estates tail, general and special? What words are necessary to create the "fee," what to make the "tail"? Describe a tenancy in tail after possibility of issue extinct.

41. What did Littleton mean by saying that tenant in fee tail is, by virtue of the statute of Westminster, the second?

42. What was a fine? What a common recovery? What is the process by which a tenant in tail can now bar the entail, under the Act for the abolition of fines and recoveries, 3 and 4 Will. IV., c. 74?

43. What "incidents to a life estate" does Blackstone note, as affecting the full enjoyment of his estate by a tenant for life?

44. Who is tenant by the curtesy? What four requisites must combine to create it?

45. What was the old law of dower? What great alteration has been made in that law by

the 3 and 4 Will. IV., c. 105, and what Ordinances or Acts have been passed respecting dower in New Zealand?

46. What is a reversion? What a remainder? What are the usual incidents to the former? What is the necessity of the "particular estate" to the latter?

In the New Zealand Conveyancing Ordinance, the following questions are proposed:—

47. What is the provision made for the purpose of giving effect to a contingent remainder with reference to the existence and creation of the "particular estate"?

48. How many tenants in common constitute themselves joint tenants, and what is the character in which the joint estate will thenceforward be vested in them?

49. What covenants are implied in—

(1.) Deeds for valuable consideration.

(2.) In mortgage by mortgagee.

(3.) By mortgagor.

(4.) What powers are implied in a mortgage on default by mortgagee?

(5.) What covenants are implied by a lessee?

(6.) What powers in the lessor?

(7.) What covenants and powers are implied in a marriage settlement?

50. What clauses usually employed in the appointment, change, &c., of trustees, are substantially enacted in the same Conveyancing Ordinance?

51. What provisions does that Ordinance contain affecting the power of married women to convey or assign either real or personal estate?

52. A mortgagee with power of sale on default by mortgagor wishes to become the purchaser of the mortgaged premises by auction.—What steps must he take? (Conveyancing Ordinance Amendment Act, 1860).

53. What are the enactments for registration of deeds, &c., in New Zealand? What is the mode and what the effect of registration completed under each of them respectively?

54. Draw a form of attestation to a will.

55. A grant is made to A and his heirs, to the use of B and his heirs, to the use of C and his heirs.—Apply the statute of uses and define the estates here created?

#### Remedies.

56. How many kinds of action are classed in the division of "actions" by the Rules of Procedure of the Supreme Court in New Zealand?

57. Illustrate the difference between an action on a breach of contract—

(1.) For money liquidated.

(2.) For money as damages.

(3.) For specific performance.

58. What is recovered in an action for detaining a chattel? How is the ordinary execution supplemented by "Rule 20"?

59. How is land unjustly held from the owner recovered? Give the form of the writ from the "Rules."

60. Mention any remedies other than, or supplementary to, that by an action, and explain them.

61. Under what circumstances will an *ex parte* injunction be granted?

62. What is a distress for rent; when, under what circumstances, and how, must it be made?

63. What is a distress for damage feasant, and how must it be conducted?

#### Tribunals.

64. What jurisdiction has the Supreme Court? what is the extent of the jurisdiction of each separate Judge of the Supreme Court? and what provisions have been made by the "Supreme Court Amendment Act, 1862," to facilitate the exercise of these jurisdictions?

65. What powers has the Supreme Court over inferior tribunals and Officers of Justice? Sketch the proceedings by which it may either keep them within their jurisdiction or make them do their duty.

66. What is the nature and jurisdiction of the District Courts?

67. What are the special Acts by which the proceedings before Justices of the Peace are regulated?

68. What is the jurisdiction in civil or criminal cases, whether between Europeans, between Natives, or between Native and European, of the Resident Magistrate's Court, and what special powers are given to that Court?

69. What right of appeal exists, viz.—

(1.) From District Courts; from Justices, or from Resident Magistrates, to the Supreme Court. And

(2.) From the decision of a single Judge of the Supreme Court to the Court of Appeal?

70. What cases may be tried at Minor Jury Sittings pursuant to the "Supreme Court Amendment Act, 1862"?

71. State some of the "General Rules of Pleading" in the Supreme Court; also some of the "Special Rules of Pleading."

72. Sketch the proceedings in a defended action on a building contract, setting out shortly the supposed contract, and raising issues of fact.

73. Sketch the proceedings up to judgment and execution in an action in which the plea has been demurred to.

74. Sketch the proceedings in an action for specific performance of contract for the purchase of land (purchaser against vendor), and for an injunction to restrain the vendor from felling timber on the land.

75. What are the proceedings to obtain judgment and execution for default of a plea, viz.—

(1.) In an action for money, as a debt or liquidated demand.

(2.) In other actions for money.

(3.) In an action for possession of property or for personal relief.

76. What contracts are within the operation of "The Summary Procedure on Bills Act, 1862," and how are the remedies thereon facilitated by that Act?

#### Evidence.

77. State some things of which the Court will take judicial notice



(1.) In accordance with established practice.

(2.) In accordance with statutory provisions.

78. Give the principal provisions of the "Official Documents Evidence Act, 1860."

79. State some of the leading Maxims that guide the law of evidence.

80. What is Secondary Evidence? Are there different degrees of it? What steps must be taken in order to render it admissible?

81. What is the doctrine with respect to the admissibility of oral testimony to affect written instruments?

82. What is the most usual way of proving records and quasi-records? Give instances of quasi-records?

83. What is an Exemplification, and when should it be used? What is an Office Copy and in what cases is it admissible? What is an Examined Copy, and what process of examination thereof must be proved in order to render it admissible?

84. How do you prove a Deposition taken before a committing Magistrate, the witness being too ill to attend?

85. How do you prove an award in the three following cases, viz.—

(1.) When made by an arbitrator appointed under a submission by written agreement of the parties.

(2.) When the arbitrator has been appointed by Rule of Court, Judge's Order, or Order *nisi prius*.

(3.) When the award is made by a public officer in the discharge of his duty.

86. What are the usual methods of proving handwriting? and are any of these methods secondary evidence to any other of them, or do they all stand in equal degree, and carry equal weight? Give your views of the reasonableness of the doctrine.

87. Where, upon a trial, handwriting is disputed and you wish to prove it genuine by comparison with other handwriting which you are instructed is genuine, how do you proceed, and what is the ultimate question for the Jury?

88. Upon what principle are "dying declarations" admissible and in what cases? What facts must be proved respecting the declarant as a foundation for admitting them, and who is to decide whether those facts are proved?

89. Must all the attesting witnesses be called to prove, 1. A Deed, 2. A Will?

90. Is the rule which requires the production of an attesting witness inexorable? If not, state the exceptions?

91. What are the leading exceptions to the rule prohibiting the admission of hearsay evidence?

#### *Course of Business.*

92. In effecting a Mortgage of land, what do you consider to be the duties respectively of the solicitors for the mortgagor and mortgagee?

93. If an illiterate married woman sent for you and desired you to carry into effect her wish to pass her interest in land, what course should you pursue, and what formalities should you observe in respect of the conveyance?

#### *Criminal Law.*

94. By what test would you determine whether an offence at common law amounted to Felony? To what offences is the term Misdemeanor applied? Give instances of both.

95. Who are respectively Principals, Aiders and Abettors? Accessories before the fact? Accessories after the fact? Are there any offences in which there can be no Accessories before the fact?

96. Has any recent provision been made by Statute for the trial and conviction of Accessories before the fact?

97. What is a "Criminal Information"? in what class of offence is it resorted to, and what is the course of proceeding therewith?

98. What is an Indictment, and on what is this form of criminal proceeding based? Is the finding a true Bill by a Grand Jury in all cases necessary to support the proceeding by indictment? If not state the rationale of the exceptions.

98A. What is an indictment? Is it necessary that an indictment be preferred and a bill found where a prisoner has been committed on the Coroner's inquisition?

99. What are the five different forms of "Treason" as designated by the Statute 25, Edw. 3. c. 2? And what treasonable offences are created by the 57 Geo. 3. c. 6. and the 11 Geo. 4 and 1, W. 4, c. 66, s. 2?

100. Can mere words amount to Treason? When and on what principle would the maxim apply to such cases—*scribere est agere*?

101. State the definition and essential ingredients in the following offences or some of them, viz.—1. Larceny. 2. Embezzlement. 3. Obtaining money under false pretences, (shew the distinction between the two latter and Larceny). 4. Forgery. 5. Perjury. 6. Burglary.

102. State the distinction between Murder and various kinds of Manslaughter, distinguishing the different kinds of the latter?

103. Two witnesses are required to prove "Treason" or "Perjury:" what must these witnesses prove upon an indictment for—1. Treason. 2. Perjury? And what is the reason for the rule in each Case respectively?

104. The indictment for Burglary commonly charges in the same Count. 1. That the prisoner burglariously broke and entered with intent to commit a felony, and also (2), that he committed the felony. How do you reconcile this with the doctrine that two offences cannot be charged in the same Count?

105. An Indictment for Burglary charged the Prisoner with burglariously breaking and entering, but omitted the intent, it then proceeded to charge in the same Count, and in the usual form, that the prisoner then in the said dwelling house stole the goods of the prosecutor, The evidence shewed that the "breaking" occurred within the legal period of the night time, but the goods remained undisturbed until that period had elapsed, after which the goods were stolen by some one, and were shortly afterwards traced to the possession of the prison

er. What defence would you set up? And with what probability of success?

106. State what you remember of the Improvements effected in the Criminal Law by Lord Campbell's Acts.

107. Give an outline of the proceedings on some indictable offence from "Information" to "Conviction."

108. Give an outline of the proceedings in some one case of Information and "Summary Conviction" or "Complaint" and "Order."

N.B.—The question numbered 98 & 98A was propounded in one form to one candidate, and in the other form to another candidate. One of the candidates at once detected the object in form 98, and answered it fully.

*Appointment of W. E. Thomas, Esq., as Sub-Collector of Customs at the Chatham Islands.*

Office of Commissioner of Customs,  
Auckland, 16th April, 1863.

**H**IS Excellency the Governor has been pleased to appoint

**WILLIAM ESDAILE THOMAS, Esq.,**  
to be Sub-Collector of Customs at the Chatham Islands.

READER WOOD.

*Appointment of Edwin Rich, Esq., as Sub-Collector of Customs, Molyneux.*

Office of Commissioner of Customs,  
Auckland, 16th April, 1863.

**H**IS Excellency the Governor has been pleased to appoint

**EDWIN RICH, Esq.,**

to be Sub-Collector of Customs at the Port of Molyneux, in the Province of Otago.

READER WOOD.

Registrar-General's Office,  
Auckland, 11th April, 1863.

**P**URSUANT to the provisions of an Act of the General Assembly of New Zealand, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, and intituled "The Marriage Act, 1854," the following names of OFFICIATING MINISTERS, within the meaning of the said Act, are published for general information:—

*United Church of England and Ireland.*

The Reverend CHRISTOPHER BLENCOWE DUNN.

The Reverend EDWARD NUGENT BREE.

I, JOHN B. BENNETT, Registrar-General of Births, Deaths, and Marriages, in New Zealand, do hereby certify that the foregoing NAMES of OFFICIATING MINISTERS, within the meaning of "The Marriage Act, 1854," have been sent in to me, in addition to the names in Lists published in the *New Zealand Gazette*, No. 2 of the 23rd of January, No. 5 of the 14th of February, and No. 12 of the 25th of March, in the present year.

Given under my hand, at Auckland,  
this eleventh day of April,  
1863.

JOHN B. BENNETT,  
Registrar-General.

"REAL ESTATE ADMINISTRATION ACT, 1860."

THOMAS OUTHWAITE, Esquire, Receiver of Real Estate of Deceased Persons for the Northern Division of the Colony of New Zealand, in account with the Real Estate of JOHN SMITH, deceased intestate.

DR.		CR.	
Gross Receipts.		Payments into Sums Treasury expended.	
£	s. d.	£	s. d.
1862.		1862.	
Sepi. 12—By cheque from Mr. W. Baker, one year's rent of allotment in Durham-street to 12th Sept.,		Oct. —Paid Treasury under Judge's Order - - -	5 0 0
1863 - - - - -	5 0 0	Nov. 21—Paid advertising balance sheet, 1861 - - -	0 7 6
	1 0 6	Dec. —Paid Administrator's commission - - -	0 13 0
			5 0 0
	<u>£6 0 6</u>		<u>£6 0 6</u>

I, Thomas Outhwaite do swear that, to the best of my knowledge and belief, the above is a just and true account of all the Receipts and Disbursements on account of the above Estate of John Smith, deceased intestate.

THOMAS OUTHWAITE.

Sworn at Auckland, this twenty-second day of January, One thousand eight hundred and sixty-three. Before me,

GEORGE ALFRED ARNEY, C. J.

I do hereby certify that I have examined and allowed this Account of the Receiver of the Real Estate of John Smith deceased intestate. Dated the twenty-second day of January, 1863.

GEORGE ALFRED ARNEY,  
Chief Justice.