



# AUCKLAND PROVINCIAL GOVERNMENT GAZETTE.

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Vol. 3.] AUCKLAND, THURSDAY, MAY 3, 1855. [No. 12.

**NOTICE.**

Superintendent's Office, Auckland,  
1st May, 1855.

**I** HEREBY notify that I have assented, on the part of the Governor, to the Appropriation Act passed during the 3rd Session of the Provincial Council of Auckland.

Wm. Brown,  
Superintendent.

Superintendent's Office, Auckland,  
2nd May, 1855.

**I** WILLIAM BROWN, Superintendent of the Province of Auckland, do hereby notify for general information, that the Election of persons to serve as Members of the Council for the government of the City of Auckland, commonly called "the Auckland City Council," which has been announced to have taken place on the twenty-first day of April last, was and is hereby declared to be null and void to all intents and purposes whatsoever.

Wm. Brown,  
Superintendent.

Superintendent's Office, Auckland,  
2nd May, 1855.

**T**HE following opinion of the Provincial Law Officer is published for general information.

Wm. Brown,  
Superintendent.

Princes-street, Auckland,  
May 2nd, 1855.

Sir,—I have before me the following documents respecting the election of City Councillors alleged to have taken place in this City on the 21st ultimo, and referred to me by your Honor for opinion, namely—

1. Letter of 31st March last from Mr. John Mitchell, "Clerk of the City Council," to E. Mayne, Esq., "Returning Officer for the City of Auckland," informing him, in pursuance of the provision contained in the 24th section of the Auckland City Council Act, Sess. I., No. 10, that extraordinary vacancies had occurred in the City Council.
2. Letter of the 2nd ult., from Mr. Mayne to Mr. Mitchell, in reply.
3. Letter of the 21st ult., from Mr. Mayne to His Honor the Superintendent, requesting that the election of nine persons on that day as City Councillors, might be notified in the next issue of the *Provincial Government Gazette*.
4. Protest of this day's date by several persons against the alleged election of City Councillors on the 21st ult.

With respect to the subject-matter of these papers, allow me to refer your Honour to my opinion of the 26th March last, now in your office, in reference to an election of City Councillors that had taken place about a

month previous, under circumstances exactly similar.

The grounds of that opinion were—1st. that the Local Legislature of this Province was not empowered by law to erect municipal or other institutions; 2nd. That even if the Local Legislature had such power, it had, by the Auckland City Council Amendment Act (Sess. II. No. 9), abolished the City Council of seven; and that it had made no provision whatever for electing or constituting any other similar body.

These grounds of objection apply with as much force to the election of the 21st ultimo as to the former one which took place on the 28th of February last.

It seems that Mr. Mitchell was Clerk to the City Council of seven, and that Mr. Mayne as Commissioner of Police was Returning Officer for the election of persons to be members thereof.

I am, however, of opinion, that neither one nor the other of these gentlemen had any authority in law to act officially in bringing about either of the two elections referred to.

Assuming that the City Council of seven had been a legally-constituted body, it was abolished by the provision contained in section 1 of the Auckland City Council Amendment Act, and with it, all offices incident thereto; it being a maxim of law that the accessory follows its principal.

“An office may be lost by the destruction of the thing to which the office belongs; as, if one grants the office of parker, and afterwards destroys the park, the office, with all casual fees, is gone. So if a grant be to A, to be steward of a manor, and afterwards the manor is destroyed. And if a Corporation be dissolved or surrendered, the office of Recorder, Town-clerk, &c. is gone.”—COKE ON LITTLETON I., 239 (n)

The election in question may be regarded as one purely *voluntary*. The persons elected, so long as they do not interfere with

the rights of their fellow-citizens, cannot be said to be acting illegally—but as soon as ever they shall have, in the least degree, recourse to such proceedings, they will render themselves amenable to the law; and both Mr. Mayne and Mr. Mitchell, who formed or organised them into a Council, will be as responsible for any unauthorised acts which they may directly or indirectly commit, as if they (Mr. Mayne and Mr. Mitchell) were members of such Council.

SINGLETON ROCHFORD,  
Law Officer for the Province of  
Auckland.

His Honor the  
Superintendent, Auckland.

Superintendent's Office, Auckland,  
1st May, 1855.

I HEREBY notify that I have appointed  
S. KEMPTHORNE, Esq.,  
to be Acting Immigration Agent of this  
Province.

WM. BROWN,  
Superintendent.

IMMIGRATION. — ASSISTED PAS-  
SAGES.

Superintendent's Office, Auckland,  
1st May, 1855.

FOR the convenience and information of Immigrants arriving under Government Regulations at this place, and of the public in general, the Acting Immigration Agent has been instructed to keep a Registry of Immigrants, specifying their trades, residence, &c., also of persons resident in the Province requiring Labourers or Artificers.

The above Registry will be open to the inspection of the public, for the present, at this office.

WM. BROWN,  
Superintendent

NEW ZEALAND, PROVINCE OF AUCKLAND.

RETURN of IMMIGRATION and EMIGRATION at AUCKLAND during the Quarter ending 31st March, 1855.

Places.	IMMIGRATION.				EMIGRATION				REMARKS
	Male Adults.	Female Adults.	Children.	Total.	Male Adults.	Female Adults.	Children.	Total.	
England .....	57	43	39	139	0	0	0	0	Balance in favour of Immi- gration 732
New South Wales.....	211	86	65	362	154	39	29	222	
Melbourne .....	321	73	36	430	12	8	2	22	
Van Diemens's Land....	10	3	2	15	0	0	0	0	
Newcastle.....	11	0	0	11	0	0	0	0	
Adelaide .....	9	9	1	19	0	0	0	0	
Totals.....	619	214	143	976	166	47	31	244	

This Return does not include the Military.

S. KEMPTHORNE,  
Acting Immigration Agent.

## TENDERS.—FIREWOOD.

Superintendent's Office,  
Auckland, 1st May, 1855.

**T**ENDERS will be received at this Office until noon on TUESDAY, 8th of May inst., from persons desirous of supplying Firewood, of usual length, at per ton, to be delivered at the Gaol as required during the next six months.

Also, for Firewood cut to suit fire-places, to be delivered as required at the Superintendent's Office, for the same period.

WM. BROWN,  
Superintendent.

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*Erratum in Gazette, No. 11, 6.*

4th line from bottom, insert the word "not," between "could" "take."

1. The first part of the document  
describes the general situation  
of the country and the  
state of the economy.  
It also mentions the  
main problems that  
the government is facing.  
The second part of the  
document discusses the  
measures that the  
government has taken  
to solve these problems.  
The third part of the  
document discusses the  
future prospects of the  
country and the  
role of the government  
in the future.