



# Auckland Provincial Government Gazette.

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## NOTICE.

Superintendent's Office,  
Auckland, 14th September, 1868.

**T**HE following Act of the General Assembly is re-published for general information.

ROBT. J. CREIGHTON,  
Provincial Secretary.

**AN ACT to enable Provincial Legislatures to pass Laws authorizing the compulsory taking of Land for Works of a Public Nature.**

### Preamble.

**W**HEREAS the public interests require that land belonging to private individuals should from time to time be taken compulsorily for works and undertakings of a public nature And whereas Acts or Ordinances have heretofore been passed by Provincial Legislatures authorizing the taking of land for such purposes And whereas doubts have been raised as to the validity of such laws and it is expedient to remove doubts as to the power of Provincial Legislatures to pass such laws for the future

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

### Short Title.

I. The Short Title of this Act shall be "The Provincial Compulsory Land Taking Act 1866."

*Provincial Legislatures empowered to pass Acts and Ordinances authorizing taking of land for works of public nature.*

II. It shall be lawful for the Superintendent and Provincial Council of every Province now or hereafter to be established in New Zealand from time to time to make or ordain any Law or Ordinance authorizing the compulsory purchase of any land which has been granted by the Crown within such Province for any work or undertaking of a public nature Provided always that no land shall be taken compulsorily under any Act or Ordinance of any Provincial Legislature except in conformity with the provisions of an Act of the General Assembly of New Zealand intituled "The Lands Clauses Consolidation Act 1863" Provided also that nothing herein contained shall be taken or deemed to authorize any Provincial Legislature to make or ordain any Act Law or Ordinance authorizing the compulsory purchase or taking of any land for the purpose of endowing or paying for the construction of any work or undertaking.

*Standing rules to be made by Provincial Councils and approved by the Governor in Council.*

III. Standing Rules and Orders shall be prepared and adopted by every Provincial Council regulating the proceedings on Bills authorizing the taking of land compulsorily but the same shall have no force or effect until they have been approved of by the Governor in Council and been published in the *New Zealand Gazette*.

*No Bill to be assented to unless such rules complied with.*

IV. No Bill authorizing the taking of land compulsorily shall be introduced into any Provincial Council until such Standing Rules and Orders have been adopted by such Provincial Council and approved of as aforesaid and no such Bill shall be introduced or passed by such Council except in conformity with such Rules and Orders and every such Bill shall be reserved for the Governor's assent. And such assent shall not be given unless it be shewn to the satisfaction of the Governor that the work or undertaking in respect of which any land is proposed to be taken compulsorily is intended to be carried out within a reasonable time and that proper provision has been or can and will be made to meet the expense necessary for the completion of the same.

*No land to be taken compulsorily except under this Act.*

V. It shall not be lawful for the Superintendent and Provincial Council of any Province now or hereafter to be established in New Zealand from time to time to make or ordain any Law or Ordinance authorizing the compulsory purchase of land except under the authority and subject to the provisions of this Act and no land shall be taken compulsorily for any such work or undertaking of a public nature except by a special Act or Ordinance of the Superintendent and Provincial Council of the Province in which such land is situate describing the land to be taken by reference or otherwise.

*Act not to affect Native Lands.*

VI. The word "land" where used herein shall mean only lands over which the Native Title has been extinguished or any land reserved for or set apart for the benefit of the aboriginal inhabitants of New Zealand and this Act shall not be deemed to give any authority or power to any Provincial Council to pass or to the Governor to assent to any Bill passed by any Provincial Council authorizing the taking compulsorily or otherwise any land over which the Native Title has not been extinguished.

#### NOTICE.

Superintendent's Office,  
Auckland, 14th September, 1868.

THE following Order in Council, together with the Standing Rules and Orders of the Provincial Council of Auckland, for regulating proceedings on Bills authorizing the taking of land compulsorily, under "The Provincial Compulsory Land Taking Act, 1866," is re-published from the *New Zealand Gazette*, for general information.

ROBT. J. CREIGHTON,  
Provincial Secretary.

G. F. BOWEN, Governor.

#### ORDER IN COUNCIL.

At the Government House, at Wellington,  
the twelfth day of August, 1868.

Present :

HIS EXCELLENCY THE GOVERNOR IN  
COUNCIL.

WHEREAS by "The Provincial Compulsory Land Taking Act, 1866," it is enacted that Standing Rules and Orders shall be prepared and adopted by every Provincial Council, regulating the proceedings on Bills authorizing the taking of land compulsorily, but that the same shall have no force or effect until they have been approved of by the Governor in Council, and been published in the *New Zealand Gazette*. And whereas the Standing Rules and Orders contained in the Schedule hereto, have been prepared and adopted by the Provincial Council of the Province of Auckland, and it is expedient that effect should be given to the same :

Now therefore I, Sir George Ferguson Bowen, the Governor of New Zealand, in pursuance and in exercise of the power and authority vested in me by the said Act, do hereby approve of the Rules and Orders contained in the Schedule hereto, as adopted by the said Provincial Council of Auckland, for regulating the proceedings in the said Council, on Bills authorizing the taking of land compulsorily.

FORSTER GORING,

Clerk of the Executive Council.

STANDING RULES AND ORDERS of the Provincial Council of Auckland, for regulating proceedings on Bills authorizing the taking of land compulsorily under "The Provincial Compulsory Land Taking Act, 1866."

#### NOTICES BY ADVERTISEMENT.

*Subject of Notices.*

1. In all cases where application is intended to be made for leave to bring in a Bill under "The Provincial Compulsory Land Taking Act, 1866," notices shall be given, stating the objects of such intended application, and the time at which copies of the Bill will be deposited in the Superintendent's Office.

*Notices to contain name of Township, &c.*

2. Such notices shall also contain a description of the lands, together with the names of the townships or other territorial divisions in, through, or into which the work is intended to be made, maintained, varied, extended, or enlarged, and shall state the time and place of deposit of the plans of such lands, the books of reference, and copies of the Provincial Government *Gazette* notice, respectively.

*Cemeteries, Gas Works, &c.*

3. In cases of Bills respecting any burial ground, cemetery, or gas works, the notices shall set forth and specify the limits within which such burial ground, cemetery, or gas works, are intended to be erected or made.

*Notice of intention to divert Water.*

4. In all cases where it is proposed to divert into any intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension, or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct, or navigation, whether directly or derivatively, and whether under any agreement with the proprietor thereof or otherwise, the notices shall contain the name of every such existing cut, canal, reservoir, aqueduct, or navigation, the water supplying which will either directly or derivatively flow or proceed into any such intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension, or enlargement thereof.

*Publication of Notices.*

5. Not less than thirty days before the commencement of the session in which it is proposed to make application for a Bill, such notices shall be published once at least in the Provincial Government *Gazette*, and if such Bill relate especially to any particular city or town in which any newspaper is published, such notice shall be published in two successive weeks in one and the same newspaper published therein, the first publication to be not less than thirty days before the commencement of the session.

*Notices and Applications to Owners, Lessees, and occupiers of lands and houses.*

6. Not less than thirty days before the commencement of the session in which it is proposed to make application for a Bill by which any lands or houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing must be made to the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands and houses so intended to be taken, or which may be taken, as being within the limits of deviation defined upon the plan, and such applications shall be as nearly as may be in the forms set forth in the Appendix marked A.

*Service of Application.*

7. Such application shall be made by delivering the same personally to every such party, or by leaving the same at his usual place of abode, or in his absence from the Colony, with his agent, or by forwarding the same by post, in a registered letter addressed with a sufficient direction to his usual place of abode, and posted before the first of such thirty days at the chief post office in the Province, at such hours and according to such regulations as may from time to time be in force for the posting and registration of registered letters.

*Evidence of Application.*

8. In all cases the written acknowledgment of the party applied to shall, in the absence of other proof, be sufficient evidence of an application having been made, or notice given; and in case of an application or notice having been forwarded by post, in a registered letter, the production of the post office receipt for such letter, duly stamped, shall be sufficient evidence of the due delivery of such letter, provided it shall appear that the same was properly and sufficiently directed, and that the same was not returned by the post office as undelivered.

*List of Owners, &c., assenting, dissenting, and neuter.*

9. Separate lists shall be made of the names of such owners, lessees, and occupiers, distinguishing those who have assented, dissented, or are neuter in respect to such application, or who have returned no answer thereto, and where no written acknowledgment has been returned to an application forwarded by post, or where such application has been returned as undelivered, at any time before the making up of such lists, the direction of the letter in which the same was so forwarded shall be inserted therein. (See Schedule).

*Notice to Owners, &c. Trust Properties.*

10. Not less than thirty days before the commencement of the session in which it is intended to make application for a Bill relating to or affecting ecclesiastical or corporation property, or property held in trust for public or charitable purposes, notice in writing of such application to the Legislature shall be served upon the owners or reputed owners of such property, and the lessees, or reputed lessees of such property, holding leases for any term of twenty-one years or upwards, excepting such of the said persons as may be promoters of the Bill.

*Notice to Owners, &c. Cemeteries and Gas Works.*

11. Not less than thirty days before the commencement of the session in which it is intended to make application for any Bill for making a burial ground or cemetery, or the erection of works for the manufacture of gas, notice shall be served upon the owners and occupiers of every dwelling-house situate within three hundred yards of the limits within which the proposed burial ground, cemetery, or gas works are intended to be erected or made.

*Notice to Owners, &c., of relinquishment of Works.*

12. Previously to asking leave to bring in a Bill whereby any part of a work authorized by any former Act is intended to be relinquished, notices in writing of such Bill shall be served upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in which the part of such work intended to be thereby relinquished is situate.

*Service and evidence of application.*

13. The notices required by the three preceding orders shall be served and the service thereof proved in the same manner as directed in Standing Orders Nos. 7 and 8.

*Service of notice and application when invalid.*

14. No notice served or application made on a Sunday, Good Friday, or Christmas Day, or before eight o'clock in the forenoon, or after eight o'clock in the afternoon of any day shall be deemed valid, except in case of delivery of letters by post.

*Plans and Books of Reference to be deposited with the Superintendent.*

15. In all cases of Bills applied for in pursuance of these Standing Orders, by which any lands or houses are intended to be taken, a plan of the work proposed to be made, maintained, varied, extended, or enlarged, together with a book of reference, shall be deposited for public inspection at the Office of the Superintendent of the Province, not less than thirty days before the commencement of the session in which it is proposed to make application for the Bill.

*Contents of Book of Reference.*

16. Such book of reference to every such plan shall contain the names of the owners, or reputed owners, lessees, reputed lessees, and occupiers of all lands or houses in the line of the proposed work, or within the limits of deviation, as defined upon the plan, and shall describe such land and houses respectively. (See Schedule).

*Superintendent to endorse Memorial on Plans.*

17. The Superintendent shall make a memorial in writing upon the plans and books of reference so deposited with him, denoting the time at which the same were lodged in his Office, and shall at all reasonable hours of the day permit any person to view and examine the same, and to make copies or extracts therefrom; and the plans so deposited shall be retained in the possession of the Superintendent until the session of the Provincial Council next ensuing shall be about to be held, when they shall be forwarded by the Superintendent to the Office of the Clerk of the Provincial Council, so as to be deposited there as nearly as may be within a week of the commencement of the session.

*Parties objecting may petition.*

18. Any parties complaining of a non-compliance with the Standing Orders or objecting to the principles of the Bill may petition the Council against it, and such petition shall be referred to the Select Committee on the Bill for their consideration, and such petitioners may appear and be heard by themselves, their agents and witnesses before such Committee.

*Bill to be printed at the expense of Promoters.*

19. Before leave is given to bring in a private Bill, and at subsequent stages whenever the Council shall order the reprinting thereof, such Bill shall be printed at the expense of the parties applying for it, in the same form as public Bills, and a sufficient number of copies delivered to the Clerk of the Council for the use of the members thereof.

*Constitution and Duties of Select Committees on Bills*

20. When a Bill shall have been read a first time it shall be referred to a Select Committee, to consist of the Speaker, the member in charge of the Bill, and three other members not locally or otherwise interested, to be appointed on motion, of which notice must be given; and such Committee shall report whether the Standing Orders have been complied with, and if not, whether they ought or ought not to be dispensed with, and generally on the merits of the Bill.

*Chairman to have casting Vote only.*

21. In every Select Committee three shall be a quorum, and the Chairman shall only have a casting vote.

*Bill to be dealt with as a Public Bill. Stages prescribed.*

22. Upon a private Bill being brought up and reported by the Select Committee, such Bill shall be proceeded with as in the case of public Bills, a future day being appointed for the second reading: Provided that there shall always be an interval of not less than two days between such report and the second reading, and not less than two days between the second and third reading.

*Standing Orders with regard to giving Notices not to be dispensed with.*

23. No motion shall be made to dispense with the Standing Orders 1 to 14 inclusively, which refer to the giving of notices.

*Remaining Orders not to be dispensed with unless twenty-four Members present.*

24. No motion shall be made to dispense with any of the remaining Standing Orders without due notice thereof, and such motion shall not be considered by the Council unless there be twenty-four members present.

*Scale of Fees.*

25. The scale of fees to be paid by parties promoting private Bills shall be as follows:—

	£	s.	d.
On the first reading ...	3	0	0
„ second do. ...	4	0	0
„ third and passing ...	3	0	0

And any Bill shall be stopped by the Speaker in any stage of its progress, if any fee then due is unpaid.

*Fees to be applied to the use of the Provincial Council Library.*

26. All fees payable under these Standing Orders shall be paid to the Clerk of the Council, who shall account for the same to the Speaker, and the same fees shall be held by the Speaker in trust for the purposes of the Provincial Council Library.

*What Bills exempt from Fees.*

27. Any Bill promoted by the Provincial Government under "The Provincial Compulsory Land-taking Act, 1866," shall be subject to the foregoing Standing Orders, with the exception of those imposing fees, from which they shall be exempt.

Agreed to by the Provincial Council, and forwarded to the Superintendent for transmission to the Governor, on the 2nd July, 1868.

G. MAURICE O'RORKE,  
Speaker.

APPENDIX A.

SIR,—We beg to inform you that application is intended to be made to the Provincial Legislature, in the ensuing session, for an Act [*here insert the title of the Act*] and that the property mentioned in the annexed Schedule or some part thereof, in which we understand you are interested as therein stated, will be required for the purposes of the said undertaking, according to the line thereof as at present laid out, or may be required to be taken under the usual powers of deviation to the extent of yards on either side of the said line, which will be applied for in the said Act.

We also beg to inform you that a plan of the said undertaking, with a book of reference thereto, has been or will be deposited for public inspection in the Office of the Superintendent of the Province, thirty days before the commencement of the next session of the Auckland Provincial Council, on which plan your property is designated by the numbers set forth in the annexed Schedule.

As we are required to report to the Provincial Council whether you assent to or dissent from the proposed undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your answer of assent, dissent, or neutrality, in the form left herewith, and returning the same to us with your signature on or before the day of next, and if there should be any error or misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof at your earliest convenience, that we may correct the same without delay.

We are, Sir,

To

(See Rule 6.)

SCHEDULE.

Part of Book of Reference referred to in the foregoing Notice, and which is intended to show the Property therein alluded to.

Number on Plan.	Place.	Description.	Name of Owner or reputed Owner.	Name of Lessee or reputed Lessee.	Name of Occupier.	Assent.	Dissent.	Neuter.
21	Epsom	Arable Field	Henry Smith	George Lucas	John Sims			Henry Smith
Number on Plan of Land proposed to be within the limits of deviation.	Place.	Description.	Name of Owner or reputed Owner.	Name of Lessee or reputed Lessee.	Name of Occupier.	Assent.	Dissent.	Neuter.
21	Epsom	House and Outbuildings	Henry Smith	George Lucas	John Sims		Henry Smith.	

(See Rules 9 and 16.)

## ERRATA.

**I**N Auckland *Provincial Government Gazette* of the 12th September, 1868, in Notice of Sitting of the Native Land Court in page 419, line 3, for "Alexandra, on 20th of October, next," read "Auckland, 7th of October, next;" and in Note to the Schedule appended to the said Notice, and in same page, instead of "Maps can be seen at office of Captain Clare, Cambridge, Waikato," read "Maps can be seen at office of Inspector of Surveys, Auckland."

**I** THE undersigned, JOHN GOODALL, hereby make application to register "THE DUMBARTON CASTLE GOLD MINING COMPANY, REGISTERED," under "The Mining Companies Limited Liability Act, 1865," and I do solemnly and sincerely declare that the following statement is, to the best of my belief and knowledge, true in every particular, namely:—

1. The name and style of the Company is the Dumbarton Castle Gold Mining Company Registered.
2. The place of operations is at the Waio-tahi Creek, at the Thames Gold Fields, in the Province of Auckland.
3. The nominal capital of the Company is Two thousand two hundred and forty pounds, in Two hundred and twenty four shares of Ten pounds each.
4. The amount already paid up is One thousand six hundred pounds.
5. The name of the Manager is John Goodall.
6. The office of the Company is at Pollen-street, Shortland, Thames Gold Fields, aforesaid.
7. The names and several residences of the shareholders, and the number of shares held by each at this date are as follows:—  
John Goodall, Grahamstown, Thames, Thirty-two shares (32).  
James Watt, Thames District, Eighteen shares (18).  
James De Hirsch, Shortland, Fourteen shares (14).  
Martin Krippner, Waiti, Eighteen shares (18).  
Hugh Hart Lusk, Auckland, Fourteen shares (14).  
John Higgins, Waio-tahi, Thames, Thirty-two shares (32).  
Charles Henry Bennett, Shortland, Fourteen shares (14).  
Alexander Smith,       Eighteen shares (18).

JOHN GOODALL,  
Manager.

Dated at Shortland, this tenth day of September, A.D., 1868.

Signed in the presence of:

ALAN BAILLIE, J.P.

A Justice of the Peace for the Colony of New Zealand.

**I** THE undersigned JAMES OLDHAM, hereby make application to register "THE HOPE OF ALL NATIONS GOLD MINING COMPANY REGISTERED," under the provisions of "The Mining Companies Limited Liability Act, 1865"; and I do solemnly and sincerely declare that the following statement is, to the best of my belief and knowledge, true in every particular, namely:—

1. The name and style of the Company is "The Hope of All Nations Gold Mining Company, Registered."

2. The place of operations is at the Moanataiari Creek, Shortland, Province of Auckland.

3. The nominal capital of the Company is six thousand pounds, in six hundred shares of ten pounds each.

4. The amount already paid up is four thousand four hundred and eighty pounds.

5. The name of the Manager is James Oldham.

6. The Office of the Company is at Mr. Hugh Hart Lusk's Office, Shortland-street, Auckland.

7. The names and several residences of the Shareholders, and the number of shares held by each at this date, are as follows:—  
Carl Frank Fischer, of Auckland, sixteen shares (16).

George Thomson Chapman, Auckland, sixty-four shares (64).

John Reid, Auckland, thirty-six shares (36).  
James Oldham, Auckland, one hundred and forty-four shares (144).

Henry Mahon Jervis, Auckland, sixteen shares (16).

James Francis Leighton, Auckland, sixteen shares (16).

Henry Allright, Auckland, twenty-eight shares (28).

Robert Lusk, Auckland, ten shares (10).

Richard Annesley Eyre, Auckland, sixty-four shares (64).

Henry Baskerville Benson, Wellington, eighteen shares (18).

Edward Miles, Shortland, thirty-six shares (36).

Dated this seventh day of September, one thousand eight hundred and sixty-eight.

(Signed)

JAMES OLDHAM.

Witness to signature:

HENRY GILFILLAN,

A Justice of the Peace for the Colony of New Zealand.

## ADVERTISEMENTS.

**A**LL notices or private advertisements intended for insertion in the *Gazette*, must be forwarded to the Superintendent's Office, accompanied by pre-payment of the charge for advertising according to the rates specified.