



# Auckland Provincial Government Gazette.

PUBLISHED BY AUTHORITY.

VOL. XXIV.]

MONDAY, JUNE 21, 1875.

[No. 32.

## PROCLAMATION.

By His Honour SIR GEORGE GREY, Knight  
Commander of the Most Honourable  
Order of the Bath, Superintendent of the  
Province of Auckland.

**U**NDER and in pursuance of the twenty-second  
section of "The Impounding Act, 1867, Amend-  
ment Act, 1874," I do hereby proclaim and declare  
that the foregoing sections of the said Act (excepting  
section 3) shall come into force on and after Thurs-  
day, the first day of July, 1875.

Given under my hand and the Public  
Seal of the Province of Auckland,  
this nineteenth day of June, One  
thousand eight hundred and seventy-  
five.

G. GREY,  
Superintendent.

## PROCLAMATION.

By His Honour Sir GEORGE GREY, Knight  
Commander of the Most Honourable  
Order of the Bath, Superintendent of  
the Province of Auckland.

**U**NDER and in pursuance of the twenty-eighth  
section of "The Fencing Act, 1855, Amend-  
ment Act, 1874," I do hereby proclaim and declare  
that the said Act shall come into force on and after  
Thursday, the first day of July, 1875.

Given under my hand and the Public  
Seal of the Province of Auckland,  
this nineteenth day of June, One  
thousand eight hundred and seventy-  
five.

G. GREY,  
Superintendent.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 17th June, 1875.

**I**T is hereby notified that a Writ, issued on the 10th  
ultimo, for the Election of a Member of the  
Provincial Council for the Electoral District of  
WAIPA, has been returned to this Office with a cer-  
tificate endorsed thereon by the Returning Officer to  
the effect that

EDWARD GRAHAM McMINN,  
of Harapipi, has been duly elected.

G. GREY,  
Superintendent.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 19th June, 1875.

**N**OTICE is hereby given that the residence, or  
place of abode, of the Local Analyst, appointed  
under "The Adulteration of Food Act, 1866," has  
been changed to the Alten Road, Auckland.

READER WOOD,  
Provincial Secretary.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 19th June, 1875.

IT is hereby notified that

MR. WILLIAM ADAIR

has been appointed Wharfinger and Collector of Tolls on the Wharf at Turanganui (Gisborne), Poverty Bay, in the place of Mr. George Edward Read, resigned.

READER WOOD,  
Provincial Secretary.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 19th June, 1875.

I HEREBY notify that the several Chairmen of the after-named District Boards, under "The Highways Act, 1874," have reported in writing to the Superintendent the names of the undermentioned persons duly appointed Members of those Boards respectively, to fill vacancies:—

WAIPIPI:—John Hedge, *vice* J. B. Brown, resigned.

HAMILTON WEST TOWNSHIP:—Henry Lowther Kingsley, *vice* John Knox, resigned.

READER WOOD,  
Provincial Secretary.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 19th June, 1875.

NOTICE is hereby given, in accordance with the provisions of "The Highways Act, 1874," that a certified copy of the Assessment List for the ARARIMU SOUTH Highway District has been forwarded to this office.

READER WOOD,  
Provincial Secretary.

## PUBLIC NOTIFICATION.

Superintendent's Office,  
Auckland, 19th June, 1875.

THE names of the undermentioned persons, appointed Collectors of Rates for the Highway Districts set opposite their respective names, have been reported to this Office:—

WAIPIPI:—James Chappell, *vice* R. J. Moore, resigned.

ARARIMU SOUTH:—Samuel Wells.

READER WOOD,  
Provincial Secretary.

Superintendent's Office,  
Auckland, 21st June, 1875.

THE following Correspondence is published by direction of His Honour the Superintendent for general information.

READER WOOD,  
Provincial Secretary.

(1) Colonial Secretary's Office,  
Wellington, March 18th, 1875.

SIR,—

I have the honour to state that the Resident Engineer in charge of road and bridge work in the Waikato has represented to the Minister for Public Works the bad state of repair the bridge over the Whangamarino, on the Mercer and Newcastle main road, is in.

As the General Government are handing over to the Provincial Treasury large sums from the proceeds of the sale of confiscated lands in the Province for roads, I have the honour to call your attention to this matter, and at the same time to inform you that the General Government have no funds out of which they can continue to keep this road in repair.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent,  
Auckland.

(2) Superintendent's Office,  
Auckland, 31st March, 1875.

SIR,—

I have the honour to acknowledge the receipt of your letter, dated the 18th instant, No. 95, in which you call attention to the state of the bridge over the Whangamarino Creek, on the main road between Mercer and Newcastle.

You state that "large sums from the proceeds of the sale of confiscated lands in the Province" are being handed over to the Provincial Treasury. I observe that the whole amount received on this account up to the present time is only £2,867 19s. 1d., and that no payments whatever have been made to the Province since September, 1874. I have therefore to request that you will inform me of the amount now at the credit of the Province on this account, and when it will be available, so that the work referred to in your letter, and other necessary works of the kind, may be undertaken without delay.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary,  
Wellington

(3) Colonial Secretary's Office,  
Wellington, 9th April, 1875.

SIR,—

In compliance with the request contained in your Honor's letter, of date 31st March last, I have the honor to enclose herewith a statement showing the amounts which have accrued to the Province on account of the sales of Confiscated Lands to the 27th March last, and to inform your Honor that the sum of Seven hundred and twenty-eight pounds fourteen shillings, being the balance shown by that statement as payable to the Province, will be immediately remitted.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent,  
Auckland.

[ENCLOSURE.]

Accrued to the Province on account of sales of confiscated Lands from the commencement of the arrangement to the 27th March last ...	£5,366 2 0
Payments to Provincial account ...	2,867 19 1
	£2,498 2 11
Carried to credit of the Province in part re-payment of advances made under section 2 of "The Provincial Public Works Advances Act, 1874" ... ..	£1,040 14 10
Balance remaining at credit of the Province, being the amount which has accrued during the December and March Quarters ... ..	*£1,457 8 1

JAMES C. GAVIN.

8th April, 1875.

\* One moiety of this sum is payable to the Province, and the other is applicable in re-payment of the advances made under "The Provincial Public Works Advances Act."

C. T. BATKIN.

(4) Superintendent's Office,  
Auckland, 17th May, 1875.

SIR,—

Adverting to your letter No. 129, dated the 9th April ultimo, in which you stated that the sum of £728 14s. Od. was payable to the Province on account of Confiscated Lands, and would be immediately remitted, I have the honour to state that I am advised that this sum has not yet been paid to the Provincial account, and I trust that no unnecessary delay will take place in the payment of this and other similar moneys which may become payable to this province.

I have, &c.,

G. GREY.

The Hon. the Colonial Secretary,  
Wellington.

(5) Government Buildings,  
25th May, 1875.  
His Honour the Superintendent,  
Auckland.

The sum of £728 14s. Od. will be paid into Provincial account forthwith.

CHAS. C. BOWEN,  
In the absence of the Colonial Secretary.

(6) Auckland,  
3rd June, 1875.

To Secretary to Colonial Treasurer,  
Wellington.

Please inform me amount remitted Provincial account, for balance capitation and special allowance, this month.

Also, whether eight hundred and seventy odd pounds on account confiscated lands has yet been remitted, as twice advised.

R. B. LUSK,  
Provincial Accountant.

(7) Auckland,  
5th June, 1875.  
To Secretary to Colonial Treasury,  
Wellington.

Please reply to my telegram of 3rd instant. Provincial Treasurer unable to meet engagements unless capitation and special allowance is promptly remitted.

R. B. LUSK,  
Provincial Accountant.

(8) Government Buildings,  
Wellington, June 5th, 1875.

To Provincial Accountant,  
Auckland.

Your telegram of 3rd. The charge for interest on cost of Auckland railways chargeable against capitation will absorb the whole sum due; accounts now being made up. Commissioners of Audit refuse to pass payment of £728 14s. Od. for confiscated lands. (See letter of Colonial Secretary to Superintendent, 31st May.)

C. T. BATKIN,  
Secretary to Treasury.

(9) Colonial Secretary's Office,  
Wellington, 31st May, 1875.

SIR,—

I have received your Honour's letter (No. 1,097) of the 17th instant, on the subject of the sum of £728 14s. on account of sale of Confiscated Lands, which sum, in my letter of the 9th April ultimo, I said would be immediately remitted to the Provincial account.

I find that the cause of the delay in making the promised remittance is, that the Commissioners of Audit refuse to issue the money, on the ground that there has been no appropriation by Parliament of the funds arising from Confiscated Lands for the use of any Province, and that no further payments on that account can at present be made.

I have, etc.,

DANIEL POLLEN.

His Honour the Superintendent,  
Auckland.

(10) Auckland, 7th June, 1875.  
The Secretary to the Colonial Treasury,  
Wellington.

Surprised at your telegram *re* capitation and special allowance.

\* Stoppages as per accounts to 31st March of £2,332, payment for Public Works North of Auckland, objected to as being illegally charged, the Superintendent not having consented thereto.

Capitation and special allowance for month of April improperly withheld. Mercer railway not opened till May 20th. Interest and sinking fund for twelve days cannot amount to Provincial share of capitation and special allowance for two months. No account yet furnished to Superintendent, as required by section 12 of "The Immigration and Public Works Act, 1871."

READER WOOD,  
Provincial Treasurer.

\* These stoppages relate to a portion of the £60,000 voted by the General Assembly for Roads and Works North of Auckland; treated of in a separate correspondence (to be published hereafter).

(11) Government Buildings,  
Wellington, 8th June, 1875.

To the Provincial Treasurer,  
Auckland.

Charges for Public Works North of Auckland made against special allowance by arrangement between Dr. Pollen and late Superintendent. Interest chargeable for Onehunga branch, and dates from 1st January, 1874. Account will be forwarded to Superintendent, as required by the Act.

C. T. BATKIN,  
Secretary to the Treasury.

(12) Superintendent's Office,  
Auckland, 11th June, 1875.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 31st ultimo, informing me that the payment of £728 14s., to which this province is entitled on account of the sale of Confiscated Lands, will not now be made.

On the 9th of April last you, in your capacity of Colonial Secretary and Acting Premier of this country, informed me that the sum of £728 14s., being the balance due up to the 27th March to this Province on account of sales of confiscated lands, should be immediately remitted to this Government.

On the 25th May Mr. Bowen, another member of the New Zealand Ministry, acting for you, informed me that the sum of £728 14s. would be paid into the Provincial account forthwith.

I think that these positive promises should not have been made unless it was known that they would be fulfilled. The breach of them has involved me in serious difficulties, and materially injures the usefulness and respect which should attach to this Government.

I have, &c.,  
G. GREY.

The Hon. the Colonial Secretary,  
Wellington.

(13) Auckland, 17th June, 1875.

To Hon. Colonial Secretary,  
Wellington.

Without previous warning a demand has been brought against this Province for arrears of interest on account of the Onehunga branch railway, from 1st January, 1874, and this Government is informed that the charge for cost of interest on the Auckland railways chargeable against capitation allowance (which is a part of the revenue collected in the Province, and is by law to be refunded to it) will absorb the whole sum due to the Province on account of that allowance.

At the same time, on a technical plea, the amount due to this province from the sale of confiscated lands is withheld.

This is done at the moment the Provincial Government of Auckland is involved in serious pecuniary difficulties, partly from having to provide funds to pay debts contracted by expenditure arbitrarily ordered by Dr. Pollen, at his own will, and it is believed unlawfully, to be incurred on the goldfields, which expenditure I think was unnecessarily large.

It is submitted that under all these circumstances the General Government had not any equitable or lawful right to take funds which it was bound to pay the Province to reimburse itself for arrears of

interest which it claimed as due on the Auckland railway from the 1st January, 1874, which arrears of interest are not yet admitted to be a lawful charge upon the capitation allowance.

It would have been right, according to all usages observed in the public service, to have first made the claim, and when it was established to have allowed the Provincial Government such a reasonable time to liquidate a debt which it was not responsible for having incurred, as might have suited its financial arrangements, instead of at once plunging it into pecuniary difficulties which must indirectly affect the interests of large numbers of Her Majesty's subjects who are entirely innocent of all wrong dealing in a matter arising from the error of the General Government, and whose welfare, credit, and prosperity it was, therefore, the duty of the Government to have consulted and supported.

G. GREY.

(14) Government Buildings,  
21st June, 1875.

His Honor the Superintendent,  
Auckland.

I have received your Honor's message of the 17th instant. The officers of the Colonial Treasury, in the discharge of their duty, are bound to make from the several Provinces such recoveries of payments as are by law required to be made.

The recovery of the amount due by the Province of Auckland on account of interest on the Onehunga railway, of which your Honor complains, was made in the regular course of business, and as is done in the case of monies due by other Provinces. I have endeavoured, as your Honor no doubt knows, to obviate any immediate inconvenience to the Provincial Treasury arising out of this transaction, by remitting a sum of six thousand pounds in anticipation of its due date. This Government recognises the necessity of giving such assistance as may be necessary for carrying on the Government of the Province of Auckland until the case can be considered by Parliament. Any application made by your Honor for that purpose, will receive immediate attention and consideration. In my letter of the 31st May I explained to your Honor, as I hoped satisfactorily, the cause of the delay in payment of the sum of seven hundred and twenty-eight pounds fourteen shillings on account of proceeds of sale of confiscated lands, namely, that the Commissioners of Audit refused to issue the money on the ground that there had been no appropriation by Parliament. As your Honor appears to attach importance to it, and as this sum may help to relieve the existing difficulties of the Provincial Treasury, Ministers will take the responsibility of making the payment as unauthorised expenditure, for which a vote must be taken in Parliament. The money will be remitted immediately.

DANIEL POLLEN.

(15) Auckland, 21st June, 1875.

Hon. Colonial Secretary,  
Wellington.

The Six thousand pounds to which you allude has for three months, as I have maintained, been wrongfully and unlawfully withheld from this Province. We are under no obligation for its being now paid. The excuse under which it was so long held back by the General Government will have terminated by effluxion of time at the end of this month.

The sum of £728 14s. 0d. I have also always maintained ought, in accordance with all the usages of the Public Service, to have been paid on the responsibility of Ministers. Their duty was in this case the more obvious from the deliberate and repeated promises made by Ministers on the subject. If they had the power thus to pay it now, they had this power at the time they ought to have paid it. I will not accept the sum as a boon to help the "existing difficulties" of the Province. I claim it as a right, established by the usage of the Public Service, and by the rules of public honour and good faith. Either in the latter light the payment must be made or not all.

The recovery of the amount due for interest on Onehunga Railway has not been made "in the regular course of business." The demand should have been made monthly, and accounts should by law have been furnished to me, to which I should have had an opportunity of objecting and of being heard, before the whole sum was arbitrarily levied on the Province. I have already stated my belief that to take this amount from the capitation allowance was an unlawful act. I beg you will take the opinion of your Solicitor-General on this point. I am now taking a legal opinion regarding it. If my belief on this point turns out to be right, and the capitation allowance is not paid, I propose to take means in a friendly spirit, to determine the great constitutional question whether or not there are legal means by which the Provinces can support their rights, instead of either craving them by an unbecoming submission, or engaging in disputes which might have most unhappy and dangerous results.

G. GREY.

Superintendent's Office,  
Auckland, 21st June, 1875.

THE following Correspondence is published, by direction of His Honour the Superintendent, for general information.

READER WOOD,  
Provincial Secretary.

(1.) Warden's Office,  
Thames, 11th May, 1875.

SIR,—

I have the honour to inform you that I am constantly asked by men professing to be intending settlers, whether any portion of the Ohinemuri goldfield has yet been set apart for the granting of Agricultural Leases.

I believe, although I have not yet been supplied with a copy of the Native Agreement, that it includes the granting of Agricultural Leases; and if so, I can see no objection to regulations being made, and the whole thrown open under Part V of "The Goldfields Act, 1866," as it would tend to induce men to settle down on those lands, in the absence of good freehold agricultural areas.

You will see, by reference to section 8 of "The Goldfields Act Amendment Act, 1869," that the maximum area of Agricultural Leases has been increased from 50 to 200 acres.

I have, &c.,  
W. FRASER,  
Warden.

His Honour the Superintendent,  
Auckland.

(2.) Auckland,  
15th May, 1875.

To the Honourable  
The Colonial Secretary,  
Wellington.

I have no knowledge of the agreement with the natives in the matter of the Ohinemuri Goldfield. No copy of it has been supplied me, or to the Warden. Can Agricultural Leases be granted under it? Could not a copy be supplied at once?

G. GREY.

(3.) Government Buildings,  
Wellington, May 17th, 1875.

To His Honour the  
Superintendent,  
Auckland.

Mr. Mackay will be able to give your Honour full information as to agreement with natives about Ohinemuri. Mr. Mackay will be instructed by Native Minister to communicate with you.

CHAS. C. BOWEN.

(4.) Hastings,  
May 17th, 1875.

To  
His Honour the Superintendent,  
Sir George Grey, K.C.B.,  
Auckland.

I regret very much that you have not been supplied with a copy of agreement with the natives for the Ohinemuri Goldfield, and have instructed Mr. Mackay to supply one without delay. There is a provision for an Agricultural Lease, but not having a copy of the documents by me, I do not remember the exact terms.

DONALD McLEAN.

(5.) Auckland, 16th June, 1875.

To the Honourable  
The Native Minister,  
Wellington.

On the 17th May you expressed your regret that I had not been furnished with the copy of agreement with natives for Ohinemuri Goldfield, and said that a copy should be supplied without delay. I have not yet received it.

Questions have arisen which I cannot decide. My usefulness is destroyed, and my authority weakened by such delays.

A man named Porter has just been with me, to whom I made a promise in conformity with your telegram of May 17. He assures me he has been expending sixty pounds a week, relying on my word, and others spending large sums.

G. GREY.

(6.) Government Buildings,  
Wellington, 17th June, 1875.

To His Honour  
Sir George Grey, K.C.B.,  
Auckland.

Re Ohinemuri agreement, I very much regret that delay has taken place arising from the agreement being locked up in a box by Mr. Mackay, with his private papers. Mr. Mackay is here, but will be returning on Saturday next, and has been instructed to furnish your Honour with a copy as soon as practicable.

DONALD McLEAN.

## ARARIMU SOUTH HIGHWAY DISTRICT.

NOTICE is hereby given that the Assessment List for this District has been finally settled, and that the Rate Book may be seen at the residence of Mr. Joseph Wilkins, Waikoukou; or at Mr. Samuel Wells' Office, Auckland, where the rates are to be paid.

PHILIP McLEOD,  
Chairman of District Board.

17th June, 1875.

## N O T I C E.

IN THE SUPREME COURT OF NEW  
ZEALAND.

NORTHERN DISTRICT.

Between ROBERT WILLIAM HAMMOND, Plain-  
tiff; and JOHN HAMILTON, Defendant.

WHEREAS, by virtue of a Writ of Fieri Facias issued in this action, and directed to me, ordering me that of the real and personal property of the above-named JOHN HAMILTON, I should cause to be made the sum of £207 9s. 6d., together with interest on the said sum at the rate of £8 per centum per annum from the 3rd day of March, 1875, together with £1 13s. 6d. for the said Writ, besides Sheriff's poundage, Officers' fees, &c.: Now I do hereby give notice that I shall cause to be Sold by Public Auction, by Richard Arthur, at his Auction Mart, Queen street, Auckland, on the 9th day of September, 1875, at the hour of 12 o'clock noon, unless the sum of £21 9s. 6d., being the balance due under the said Writ of Fieri Facias, and interest thereon, be sooner paid, besides Sheriff's poundage, Officers' fees, &c.: All the Estate, Right, Title, and interest of the said JOHN HAMILTON, of, in, and to all that piece or parcel of land, in the Province of Auckland, containing 50 acres, more or less, being Allotments Nos. 49A and 55, in the Parish of Hautapu, Banks County, District of Waikato, Province of Auckland; and all that piece or parcel of land containing 50 acres, more or less, being allotment No. 128, in the Parish and County aforesaid; and also all that piece or parcel of land containing 50 acres, more or less, and being Allotment No. 129, of the Parish and County aforesaid.

And I further give notice that the Estate or Interest of the said JOHN HAMILTON in respect of the above-mentioned lands, consists of his equity of redemption or other equitable estate in the said lands, and that all the said lands, and all the estates and interests of the said JOHN HAMILTON therein and

thereto, have been taken by me in execution at the suit of the said ROBERT WILLIAM HAMMOND, the Execution Creditor.

Dated 29th May, 1875.

H. C. BALNEAVIS,  
Sheriff.

Samuel Jackson and James Russell, of Fort-street, in the City of Auckland, Solicitors for the said Robert William Hammond.

SCALE OF CHARGES for the insertion of  
Advertisements and other Notices in the  
*Gazette* :—

	PLAIN	S. D.
For the first fifty words and under ... ..	...	3 0
For every additional eight words (or line) and under ... ..	...	0 4
Headings, Date Lines, Signatures, &c., requiring to be printed in separate lines, at per line...	...	0 4

## TABULAR.

Double the charges of Plain.

## TABLE.

Treble the charges of Plain.

## HALF-YEARLY STATEMENTS

Of Registered Companies under "The Mining Companies' Limited Liability Act, Amend- ment Act, 1869" ... ..	...	10 0
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## SUBSCRIPTION.

The subscription is at the rate of £2 per annum, or 10s. 6d. per quarter, payable in advance.

Advertisements must be forwarded to the Superintendent's Office, at Auckland, or to the authorised Agent, at Grahamstown or at Coromandel, with prepayment of the charge for insertion at the rates above specified.

Advertisements should be written *on one side* of the paper; and names, signatures, &c., must be written in a legible hand, to save mistakes.

The number of insertions required should be written across the face of the advertisement.

The Government will not guarantee the publication of any notice or advertisement within a given date, nor will the same be inserted unless pre-paid.

Subscriptions are required to terminate with the quarters ending March, June, September, or December; a less period than three months cannot be subscribed for.

## ACTS AND GOVERNMENT PUBLICATIONS.

	£	s.	D.
Acts of the Auckland Provincial Council, Sessions I. to XXIV. (bound half-calf, cloth sides, 8vo.) ... ..	1	1	0
Ditto Sessions XXV., XXVI., XXVII., XXVIII., and XXIX., (cloth backs, paper sides, foolscap folio) ... ..	0	5	0
Single copies of Acts ... ..	0	1	0
Single copies of <i>Gazette</i> ... ..	0	1	0

The above are to be obtained at this Office.

VINCENT E. RICE,  
Chief Clerk.