



NEW ZEALAND
GOVERNMENT GAZETTE,
PROVINCE OF CANTERBURY.

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature, are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.

By His Honor's command,
H. G. GOULAND, Provincial Secretary.

Vol. I.]

TUESDAY, DECEMBER 12, 1854.

[No. XXV.]

Supplementary Estimate of Expenditure for the year ending the 31st March, 1855.

	£	s.	d.
SALARIES.—Addition to Salary of Clerk to the Council (to commence from the commencement of the present financial year)	50	0	0
For building a Lock-up at Kaiapoi	70	0	0
" " Council Chamber and Offices	2000	0	0
Promoting Steam Communication within the Province	1000	0	0
Papanui and Harewood Road (on condition of the neighbouring population finding labour)	100	0	0
North Road	400	0	0
Road from Papanui to the Purarekanui	200	0	0
Lincoln Road	300	0	0
Bridle Path to Akaroa	300	0	0
Bridle Path to the Head of Port Victoria	300	0	0
Road to the South of Christchurch	100	0	0
(To be met by another £100 by the Inhabitants).			
Road under the Hills	100	0	0
Opening Great South Road	100	0	0
Alterations to Hospital	126	13	11
Bridges over the Avon	50	0	0
Allowance to the Speaker for Travelling Expenses	50	0	0
	£5246 13 11		

Provincial Secretary's Office,
Christchurch, 30th November, 1854.

HIS HONOR THE SUPERINTENDENT, is pleased to appoint
EDWARD DOBSON, Esq.,

to be Provincial Engineer; the appointment to bear date from the 25th instant.

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

Provincial Secretary's Office,
7th November, 1854.

HIS HONOR THE SUPERINTENDENT is pleased to appoint

MR. HENRY JAGGAR,

to be Pound-keeper at Christchurch.

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

Provincial Secretary's Office,
Christchurch, 28th November, 1854.

HIS HONOR THE SUPERINTENDENT is pleased to appoint

THEODORE BLUNT KEELE, Esq.,

to be chief Clerk in the Provincial Secretary's Office, vice Puckle, resigned, the appointment to bear date from the 1st of December.

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

Provincial Secretary's Office,
Christchurch, 11th December, 1854.

HIS HONOR THE SUPERINTENDENT is pleased to appoint

SIR WILLIAM CONGREVE, BART., and

MR. J. T. PARKINSON,

to be Inspectors of Sheep under the Scab and Catarrh Ordinance, No. 2, Sess. III.

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

Provincial Secretary's Office,
Christchurch, 27th November, 1854.

HIS HONOR THE SUPERINTENDENT directs it to be notified that

all persons who shall henceforth encroach on the land reserved for public roads within the Province, either by digging ditches, or raising banks thereon; will be prosecuted; and that those persons who have already so encroached will be liable at any time to be called on to replace the soil so removed or to remove the banks so made.

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

Provincial Secretary's Office,
Christchurch, 4th December, 1854.

HIS HONOR THE SUPERINTENDENT directs the publication for general information of the following extracts from the New Zealand Government Gazette, No. 36, published November 8, 1854:—

By order of His Honor the Superintendent,
H. G. GOULAND,
Provincial Secretary.

PROCLAMATION.

By His Excellency Col. **ROBERT HENRY WYNYARD**, Companion of the most Honourable Order of the Bath, Officer administering the Government, and Commander-in-Chief in and over the Islands of New Zealand and its dependencies, &c., &c., &c.

WHEREAS by an Act made and enacted by the General Assembly of New Zealand intituled the "Marriage Act, 1854," it is provided that it shall be lawful for the Governor by Proclamation, to divide the colony of New Zealand into such and so many Districts as he shall think fit, and that every such District shall be called by a distinct name, and shall be a Registrar's District for the purposes in the said Act mentioned. Now I, the Officer administering the Government, pursuant to the authority in me vested in that behalf, do hereby proclaim and declare, &c.

KAIAPOI.

That so much of the said colony as is comprised within the following boundaries shall be a Registrar's District, and shall be called "the District of Kaiapoi," viz.:

Comprising all that part of the Province of Canterbury lying north of the River Courtenay.

CHRISTCHURCH.

That so much of the said colony as is comprised within the following boundaries shall be a Registrar's District, and shall be called "the District of Christchurch," viz.:

Comprising all that part of the said Province of Canterbury lying south of the River Courtenay, and west of a line commencing at the mouth of that river, extending along the Sea coast and north shore of the estuary at the mouth of the Avon and Heathcote Rivers as far as the old ferry over the Heathcote at the end of the Ferry Road, thence straight to the flag staff on Mount Pleasant, thence along the highest ridge of the hills to Cooper's Knobs, thence straight to the mouth of the River Halsewell, thence along the east edge of Lake Ellesmere and the sea coast to the mouth of the Waitangi River.

AKAROA.

That so much of the said colony as is comprised within the following boundaries shall be a Registrar's District, and shall be called "the District of Akaroa," viz.:

Comprising all that part of Bank's Peninsula lying east of a line drawn from a point on the sea coast half way between the eastern headland of Port Levy and the western headland of Pigeon Bay, to the head of the north branch of the Little River, thence down the course of that river and Lake Forsyth to the sea.

LYTTELTON.

That so much of the said colony as is comprised within the following boundaries shall be a Registrar's District, and shall be called "the District of Lyttelton," viz.:

That part of the Province of Canterbury aforesaid comprised between the District of Christchurch, the Sea, and the District of Akaroa.

Given under my hand and issued under the public Seal of the Islands of New Zealand, at Auckland, in the Islands aforesaid, this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-four.

(Signed) R. H. WYNNEARD,
Officer administering the Government.

By His Excellency's command,

(Signed) ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, November 8, 1854.

His Excellency the Officer administering the Government has been pleased to appoint the undermentioned gentlemen to be Registrars under the Act recently passed by the General Assembly (No. 12, Sess. 2) intituled "The Marriage Act, 1854," for the Districts set opposite their respective names.

John B. Bennett—Registrar General of New Zealand.

Saml. Beswick—Registrar for District of Kaiapoi

Alfred Barker do. Christchurch.

Daniel Watkins do. Akaroa.

William Donald do. Lyttelton.

These appointments are to take effect from the 1st day January, 1855.

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

MARRIAGE ACT.

OFFICIATING MINISTERS FOR 1855.

The attention of the person or persons within the colony of New Zealand in whom is vested Ecclesiastical authority over any of the religious bodies enumerated in Schedule D annexed to the "Marriage Act, 1854," viz.:

The United Church of England and Ireland.

The Church of Scotland.

The Roman Catholic Church.

The Free Church of Scotland.

All Presbyterian Congregations.

The Wesleyan Methodist Society.

All Congregational Independents.

Baptists.

The Primitive Methodist Society.

The Lutheran Church.

All Hebrew Congregations.

The Society of Friends.

Also the attention of Ministers of Religion not connected with any of these bodies, who may desire to be placed on the list of "Officiating Ministers" within the meaning of this Act, is specially called to the following extracts from the Act aforesaid:

"Any Minister of Religion whose name shall

have been sent in to the Registrar-General of Births, Deaths, and Marriages, or other Officer to be appointed by the Governor in that behalf, by the persons or person within the Colony in whom Ecclesiastical authority shall for the time being be vested, or reputed to be vested, over any of the Religious bodies enumerated in the Schedule D to this Act annexed, shall, subject to the conditions hereinafter mentioned, be an Officiating Minister within the meaning of this Act, and the name of every such Minister of Religion shall be certified under the hand or hands of the person or persons aforesaid, and shall be entered and published as hereinafter provided. *Provided always*, that any Minister of Religion not connected with any of the Bodies enumerated in the aforesaid Schedule to this Act annexed, who shall present to any Registrar a certificate signed by twenty-four householders resident in the district for which such Registrar shall be appointed, declaring that such Minister is their Officiating Minister, shall be entitled to have his name inserted in the list of Officiating Ministers in the meaning of this Act. *Provided always*, that such certificates shall be attested by two Justices of the Peace; and such attested certificate shall be sent in to the Registrar-General or other Officer as aforesaid anew in the month of December in every year, and no such attested certificate presented to any Registrar by any Minister as aforesaid, shall continue in force unless renewed in like manner.

The several Ecclesiastical Authorities as aforesaid of the respective Religious Bodies, shall send in to the said Registrar-General, or other Officer as aforesaid, a correct list of such ~~Officiating Ministers in the month of December~~ in every year."

It will therefore be necessary that the names of all Officiating Ministers, duly certified, be sent in to me before the termination of the month of December next ensuing, in order that all such names may be entered in the list, a copy of which will be published in January, 1855, in the New Zealand *Government Gazette*.

JOHN B. BENNETT,
Registrar-General.

Registrar-General's Office,
Auckland, Oct. 31, 1854.

THE NEW MARRIAGE ACT.

By the provisions of the Marriage Act recently passed by the General Assembly of New Zealand (No. 12, 1854), the Marriage Ordinance of 1847 (No. 7, Session 8) will cease to have any force at the termination of the present year; and from and after the 1st of January, 1855, no marriage can be legally solemnized within the colony otherwise than as required by the new act, except in cases where the persons intermarrying are both Aboriginal Natives.

The particular enactments relating to Officiating Ministers, Registrars, &c., will, of course, receive the special attention of the persons immediately concerned in their administration. But it appears desirable that, on a subject of such universal interest to the colonists, there should be published, for general information, such an outline of the leading provisions as may afford to persons intending marriage, and to the

public at large, an intelligible view of the points with which it is most necessary that they should be made acquainted. The following summary has been compiled with reference to this object:—

Registrar's Certificate necessary.

A principal feature of the new law is, that in every case of intended marriage, it will be necessary, previous to the solemnization of the marriage, to obtain a certificate from the duly appointed Registrar of the district in which the persons intending marriage dwell; or if they dwell in different districts, from the Registrar of each district. (Clause 6.) This certificate will not oblige any officiating minister to solemnize any marriage, but it will be indispensable as an authority for its solemnization according to law. Any marriage solemnized without such certificate,—both the persons knowingly and wilfully intermarrying without it,—will be null and void (Clause 20); and any person solemnizing matrimony without the required certificate, shall be deemed guilty of a misdemeanour (Clause 38).

Notice of Intended Marriage.

In every case of intended marriage, it will be requisite that one of the persons intending marriage give notice, under his or her hand (in the form specified in Schedule A annexed to the Act), to the Registrar of the district in which one of the persons shall have dwelt for not less than three days; and if they dwell in different districts, notice must be given to the Registrar of each district. The notice must state the age, name and surname, calling or profession, condition (whether bachelor or widower, spinster or widow), and dwelling-place of each of the persons; also the time that each of them has dwelt in the district, and the church, building, or place in which the marriage is intended to be solemnized. The person giving the notice will be required to give a solemn declaration to the truth of the particulars, and to pay a fee of two shillings and sixpence. True copies of all such notices are to be immediately entered by the Registrar in a "Notice Book," which shall be open to all persons desiring to inspect it, between the hours of 10 a.m. and 4 p.m. on all lawful days, a fee of one shilling being payable for every such inspection (Clauses 6—9). This notice will be good for three months only (Clause 14).

Declaration.

After the notice shall have been given, and before the granting of the Registrar's certificate, one of the persons intending marriage must personally appear before the Registrar, and make his or her solemn declaration "that he or she believes that there is not any impediment of kindred or alliance, or other lawful hindrance to the said marriage; and that one of the persons has, for the space of three days immediately before the day of making such declaration, had his or her place of abode within the district wherein such marriage is to be solemnized: and where either of the persons, not being a widow, or widower, shall be under the age of twenty-one years, such declaration shall further state that the consent of the person or persons whose consent to such marriage is by law required, has been obtained thereto, or that there is no person resident in the colony having

authority to give such consent, as the case may be." (Clause 12.) Making a false declaration will be deemed a misdemeanour (clause 35.)

Issue of Registrar's Certificate.

Immediately after such notice and declaration, the Registrar may issue a certificate authorising the marriage,—*Provided* that the persons intending marriage are both of the full age of twenty-one years,—or, where the person under age is not a widow or a widower, that the consent of the parent or guardian of such minor shall appear upon the notice, signed by such parent or guardian before the Registrar at his office, or before a Justice of the Peace, or a Solicitor of the Supreme Court, and attested by such Registrar, Justice, or Solicitor. The fee when a certificate is immediately issued will be twenty shillings.

In all other cases, the certificate shall not be issued until after the expiration of fourteen days after notice, when the fee will be five shillings (clause 10.)

The certificate, like the notice, will be void if the marriage be not solemnised within three months after the notice shall have been given (clause 14.)

Consents, Caveats, &c.

The father, if resident within the colony, of any person under twenty-one years of age, such person not being a widower or widow,—or, if the father be dead, the lawfully appointed guardian or guardians, or one of them,—or, in case the father shall not be resident within the colony, then the mother if resident within the colony,—and if there be no mother resident within the colony, then the guardian or guardians (if any) appointed by the Supreme Court, or one of them,—shall have authority to give consent to the marriage: and such consent will be required for the marriage of a person so under age, unless there shall be no person within the colony authorised to give such consent (clause 16.)

In case, however, the parent or guardian shall be *non compos mentis*, or shall unreasonably or from undue motives refuse or withhold consent to a proper marriage, the persons desirous of marrying may apply by petition to a Judge of the Supreme Court in a summary way, and if the marriage should appear to the Judge to be proper, he may make a judicial declaration that it is so, which shall be as good and effectual as if the consent of the parent or guardian had been given (clause 17).

The issue of the Registrar's certificate may be *forbidden* by any person whose consent is required as aforesaid (clause 18); but any person who shall forbid the issue of the certificate, by falsely representing himself or herself to be a person whose consent is required by law, shall be deemed guilty of a misdemeanour.

Any person, having just and reasonable cause, may, on payment of five shillings, enter a caveat with the registrar against the issue of the certificate. In case, however, of the registrar refusing to grant the certificate, the person applying for it shall have a right to appeal to a Judge of the Supreme Court, who shall either confirm the refusal, or direct the grant of the certificate. If the Judge shall declare the grounds on which the caveat has been entered to be frivolous and vexatious, and that they ought not to obstruct

the grant of the certificate, the person who has entered it shall be liable for the costs of the proceedings, and also for damages to be recovered in an action by the person against whose marriage the caveat was entered (clauses 19, 20.)

In case of the marriage of a minor without consent, the offending party shall forfeit all property acquired by such marriage, and all settlements, &c., founded on such marriage, shall be void. But the proceedings in such a case must be taken within a year after the parent or guardian at whose suit they are instituted shall have known or discovered the solemnization of the marriage. Like forfeiture may be sued for by means of a false notice, certificate, or declaration made by either party to such marriage. (See clauses 31—34).

Solemnization of Marriages.

The Registrar's certificate or certificates shall, immediately before the solemnization of the marriage, be delivered by one of the persons about to be married, to the officiating minister, or the Registering-Officer of the Society of Friends, or of the Jewish Synagogue, or to the Registrar present at the marriage, as the case may be. The Act does not interfere in any way with any religious service which may be preferred by the parties, its specific provision being that the marriage may be solemnized between the persons described in the Notice "according to such form and ceremony as they may see fit to adopt." But every marriage must be solemnized in the place stated in the Notice,—with open doors,—between the hours of eight in the morning, and four in the afternoon,—in the presence of an officiating minister or other person duly authorised by the Act,—and in the presence of two or more witnesses.

The public will be duly informed of the names of all officiating ministers within the meaning of the Act, by a list to be published in the *Government Gazette*, and notifications in the *Gazette*, from time to time, of any names which may be added to, or withdrawn from the list. Persons objecting to be married in the presence of an officiating minister, may be married at the office and in the presence of a Registrar, on their compliance with the law in all other particulars. The fee in case of marriage at the Registrar's Office will be three pounds [clauses 21—24].

The Act makes full and stringent provision for the registration of all marriages in a prescribed form, by the officiating ministers and registrars. An enumeration of these provisions does not now, however, come within the scope of the present notification,—the object of which is simply, (as before stated) to make the public at large acquainted with such prominent features of the law as have a general application. More detailed information will of course be obtainable from the Act itself, which has been published in the *New Zealand Government Gazette* of Nov. 6, 1854, No. 35,—or on application to the Registrars of the several districts.

The requirements of the Act do not extend to marriages between persons both of whom are of the Native aboriginal race. But the Governor may, from time to time, extend its operation to such marriages in such districts as he may by Proclamation appoint. Meanwhile, persons of the Native aboriginal race, may, if they de-

sire, contract marriage according to the provisions of the Act.

JOHN B. BENNETT,

Registrar-General.

Registrar-General's Office,
Auckland, November 6th, 1854.

COLONIAL BANK OF ISSUE.

Amount of the Notes in circulation at the Office of the Colonial Bank of Issue, Wellington, on the 14th day of Oct. 1854.

Amount of Notes in circulation on the 14th day of Oct. 1854, being the close of the preceding four weeks, viz.:

£5 and upwards	£14,240
Under £5	20,119
	<hr/>
	£34,359

Total Amount of Coin held by the same Office, on the same day, viz.:

Gold	£13,847
Silver	512
	<hr/>
	£14,359

I, Henry St. Hill, being the Acting Manager of the said Bank, do hereby certify that the above is a true account of the Notes in circulation and of the coins held by the said office, as required under Ordinance No. 16, Session 8.

(Signed) HENRY ST. HILL,
Acting Manager.

Colonial Bank of Issue,
Wellington, Oct. 14, 1854.

The sum of Twenty Thousand Pounds (£20,000) sterling has been invested under the Warrant of His Excellency the Governor, in the Public Funds in England, through the Commissariat Department, by arrangements made through the Lords Commissioners of Her Majesty's Treasury.

(Signed) HENRY ST. HILL.

Amount of the Notes in Circulation at the office of the Colonial Bank of Issue at Wellington, 11th Nov. 1854.

Amount of Notes in Circulation on the 11th day of Nov., 1854, being the close of the preceding four weeks, viz.:

£5 and upwards	£14,250
Under £5	20,004
	<hr/>
	£34,254

Total amount of Coin held by the same office on the same day, viz.:

Gold	£13,703
Silver	551
	<hr/>
	£14,254

I, Henry St. Hill, being the acting manager of the said Bank, do hereby certify that the above is a true account of the Notes in circulation, and of the coins held by the said office, as required under Ordinance No. 16, Session 8.

HENRY ST. HILL,
Acting Manager.

Colonial Bank of Issue,
Wellington, 11th Nov., 1854.

The sum of Twenty Thousand Pounds (£20,000) sterling has been invested under the warrant of His Excellency the Governor, in the public funds in England, through the Commissariat Department, by arrangements made through the Lords Commissioners of Her Majesty's Treasury.

HENRY ST. HILL.