



THE
GOVERNMENT GAZETTE,
PROVINCE OF HAWKE'S BAY.

Published by Authority.

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

DONALD M'LEAN,
Superintendent.

VOL 4.]

TUESDAY, JULY 28, 1863.

[No. 13.

Superintendent's Office,
Napier, July 27, 1863.

THE following extracts from the *New Zealand Gazette*, No. 31, are published for general information.

DONALD M'LEAN,
Superintendent.

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honorable 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.,

IN pursuance and exercise of the power and authority for this purpose given to me under or by virtue of the "Militia Act 1858," I, Sir George Grey, the Governor as aforesaid do hereby appoint Donald M'Lean, Esquire, the Superintendent of the Province of Hawke's Bay, to be my Deputy for the purpose of directing the Officer Commanding the Militia respectively in any or all of the Districts within the Province of Hawke's Bay to draw out for actual service the Militia force of any or all such district or districts

respectively, or such part or number of the said Militia respectively as the said Donald M'Lean shall from time to time judge necessary, and in such manner or manners and at such time or times as to him shall seem best adapted to meet the circumstances of the danger and to lead the said Militia respectively into any part of the said Districts in which the said Militia respectively has been or shall be raised subject nevertheless to the provisions of the said Act, and the several Acts amending or altering the same.

Given under my hand at Government House this twenty-first day of July, in the year of our Lord one thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,
THOMAS RUSSELL.

MILITIA.

BY virtue and in exercise of the authority in me vested, I, George Stoddart Whitmore, Major Commanding the Napier Regiment of Militia, do hereby appoint and declare that the said Regiment which has been constituted one Battalion, shall be formed

into seven Companies as follows, viz. :—

Nos. 1 and 2 Companies.

Shall comprise all those liable to serve as Militiamen whose places of abode for the time being are—

Within a line commencing at the Northern side of Sections numbers sixty-eight and sixty-nine, Meanee Spit in the Town of Napier, and crossing Ahuriri Harbour to the mouth of the river Meanee or Tutaekuri, and following the Bank of the said river to Awatoto, thence by a due East line to the Sea Coast, and along the Sea Coast in a Northernly direction to a point opposite the Northern side of Sections Sixty-eight and Sixty-nine Meanee Spit.

No. 3 Company

Shall comprise all those who are liable to serve as Militiamen whose places of abode for the time being are within the tract of country bounded as follows :—

North and East by the sea; south by a line from Waimarama to the mouth of the Puki Puki Stream: West by the Ngaruroro river.

No. 4 Company

Shall comprise all those liable to serve as Militiamen whose places of abode for the time being are within the tract of country bounded as follows,—

East—By the Sea from the boundary of the Town of Napier to Northern boundary of the Province.

North—Northern boundary of the Province.

West—Western boundary of the Province to the Ngaruroro river.

South—The Ngaruroro river from the Western boundary of the Province to the sea (excluding the Town of Napier described as Company No. 1.

No. 5 Company

shall comprise all those liable to serve as Militiamen whose places of abode for the time being are within a line commencing at Waimarama from thence to the mouth of the Puki Puki, thence following the Ngaruroro to the western boundary of the Province; thence proceeding southerly along the boundary of the Province to Pohatuhaha; thence to the south point of the Kereru Block; thence in a straight line to Patangata; thence following the Tuki Tuki river southward to the northern point of the Tamumu Reserve; thence in a straight line to Mangakuri, and from thence by the sea coast to Waimarama.

No. 6 Company

shall comprise all those liable to serve as Militiamen, whose places of abode for the time being are within a line commencing at Patangata and proceeding westerly to the south boundary of the Kereru Block; from thence to Pohatuhaha; thence following the western boundary of the Province in a southerly direction to Taumata o Mekeru; thence to the junction of Mangatauri with the Tuki Tuki; thence down the Tuki Tuki river to Patangata.

No. 7 Company

Shall comprise all those liable to serve as Militiamen whose places of abode for the time being are within a line of country bounded as follows :—

Commencing at Mangakuri, proceeding by a straight line, in a westerly direction, to the northernmost point of Tamumu Reserve; thence following the Tuki Tuki river to Mangatauri, thence to Taumata o Mekeru from which point proceeding westerly and southerly along the boundary of the Province to Waimata; thence proceeding northerly by the sea-coast to Mangakuri.

G. S. WHITMORE,

Major Commanding

Napier Regiment of Militia.

21st July, 1863.

MILITIA AND VOLUNTEERS.

Appointment of Officers.

Colonial Secretary's Office,

Auckland, 21st July, 1863.

HIS Excellency the Governor has been pleased to make the following appointments in the Napier Regiment of Militia :—

John Chilton Lambton Carter, to be Captain. Date of Commission 2nd July, 1863.

John Curling, to be Captain. Date of Commission, 4th July, 1863.

Joseph Rhodes, to be Captain. Date of Commission, 6th July, 1863.

Alexander Kennedy, to be Captain. Date of Commission, 7th July, 1863.

Michael FitzGerald, to be Captain. Date of Commission, 8th July, 1863.

Azin Salvater Birch, to be Lieutenant. Date of Commission, 1st July, 1863.

James Anderson to be Lieutenant. Date of Commission, 6th July, 1863.

John Nathaniel Wilson, to be Lieutenant. Date of Commission, 7th July, 1863.

Edmund Tuke, to be Lieutenant. Date of Commission, 8th July, 1863.

George Edward Gordon Richardson, to be Lieutenant. Date of Commission, 9th July, 1863.

Vautier Janisch, to be Ensign. Date of Commission, 4th July, 1863.

William Maltby, to be Ensign. Date of Commission, 6th July, 1863.

Cartwright Brown, to be Ensign. Date of Commission, 7th July, 1863.

William Ferguson, to be Ensign. Date of Commission, 8th July, 1863.

Michael Brown, to be Ensign. Date of Commission, 9th July, 1863.

Charles Lambert, to be Captain. Date of Commission, 30th June, 1863.

George Guavas Carlyon, to be Captain. Date of Commission, 3rd July, 1863.

Jasper Lionel Herrick, to be Captain. Date of Commission, 9th July, 1863.

Donald Gollan, to be Lieutenant. Date of Commission, 2nd July, 1863.

Henry Robert Russell, to be Lieutenant. Date of Commission, 3rd July, 1863.

Edward Spencer Curling, to be Lieuten-

ant. Date of Commission, 4th July, 1863.
 John Davis Canning, to be Ensign. Date of Commission, 1st July, 1863.
 Alexander Grant, to be Ensign. Date of Commission, 2nd July, 1863.
 James Nelson Williams, to be Ensign. Date of Commission, 3rd July, 1863.
 ALFRED DOMETT.

Superintendent's Office,
 Napier, July 27, 1863.

THE following Warrant issued under the hand of his Excellency the Governor is published for General information.

DONALD M'LEAN,
 Superintendent.

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.

IN pursuance and exercise of the power and authority for this purpose given to me under or by virtue of the "Militia Act, 1858," I, Sir George Grey, the Governor as aforesaid, do hereby appoint

DONALD M'LEAN, Esquire,

the Superintendent of the Province of Hawke's Bay, to be my Deputy, for the purpose of directing the officer commanding the Militia respectively, in any or all of the Districts within the Province of Hawke's Bay to draw out for actual service the Militia force of any, or all such district or Districts respectively, or such part or number of the said Militia respectively, as the said Donald M'Lean shall from time to time judge necessary, and in such manner or manners and and at such time or times as to him shall seem best adapted to meet the circumstances of the danger, and to lead the said Militia respectively into any part of the said Districts in which the said Militia respectively has been or shall be raised, subject, nevertheless to the provisions of the said Act and the several Acts amending or altering the same.

Given under my hand at the Government House at Auckland, this twenty-first day of July, in the year of our Lord One thousand, eight hundred and sixty-three.

G. GREY.

By his Excellency's command,

THOMAS RUSSELL.

NOTIFICATION.

By DONALD M'LEAN Esq., Superintendent of the Province of Hawke's Bay, in the Islands of New Zealand.

WHEREAS by an Instrument under the hand of his Excellency Sir George Grey, the Governor of New Zealand, dated the 26th day of June, 1863, after reciting that it was provided by "The Militia Acts Amendment Act, 1862," that it should be lawful for the Governor or such person as he should appoint as his deputy for that purpose from time to time to call out the whole or any part or number of any Regiment, Battalion, Corps, or Company as he should think fit, and reciting that it was expedient that a person should be appointed for the Militia District of Napier to exercise the above recited power the said Governor did appoint me, the undersigned Donald M'Lean, Esq., to be his Deputy within the said District of Napier, from time to time to call out the Militia thereof for training and exercise, subject, nevertheless to the conditions and restrictions of the laws in force for the regulation of the Militia: *And whereas* it is expedient to call out for training and exercise such of the men of the 1st and 2nd classes of the Militia of the said Napier District as are Resident within the limits of the Township of Napier.

Now, therefore, I, the said Donald M'Lean, Esq., Deputy of the said Governor, as aforesaid, in pursuance and execution of the power given to me by the instrument before recited, Do hereby call out for training and exercise

All the men of the first and second classes of the Napier Regiment of Militia who are resident within the limits of that portion of the district proclaimed in the *General Government Gazette* of Thursday, the 23rd July, 1863, as constituted Company No. 3 of the Napier Regiment of Militia, contained within the following boundaries, viz., commencing at the mouth of the Pukipuki, thence proceeding in a straight line down towards the mouth of the Waimarama river until such line intersects the Maraetotara stream, thence by the Maraetotara stream to its mouth, thence by the sea coast to the mouth of the Ngaruroro and Tukituki rivers, and thence by the Ngaruroro river to its junction with the Pukipuki stream.

All the men of first and second classes of the Napier Regiment of Militia within the limits of that portion of the district proclaimed in the *General Government Gazette* of Thursday, the 23rd July, 1863, as constituted Company No. 4 contained within the following boundaries, viz., commencing at the junction of the Kopikopiko stream with the Esk river, down that river to its mouth, thence by the shores of the harbor to the mouth of the Tutaekuri river, thence up the Tutaekuri river to its junction with the Mangaone stream, and thence in a straight line to the junction of the Kopikopiko with the Esk river.

Two-thirds of the men of the first and

second classes of the Napier Regiment of Militia who are resident within that portion of the district proclaimed in the *General Government Gazette* of Thursday, the 23rd July, 1863, as constituted Company No. 6 (the boundaries of which are reprinted in this *Gazette* for general information), such two-thirds of the first and second classes as aforesaid to be chosen by ballot under regulations to be provided in that behalf.

and I hereby authorise and request George Stoddart Whitmore, Major, the officer commanding the said District to carry into effect this direction.

Given under my hand at Napier,
this 27th day of July, One
thousand, eight hundred and
sixty three.

DONALD McLEAN,

MILITIA.

Hawke's Bay.

Militia Orders.

1. THE officers of the Battalion are posted to companies as follows:—

- Captain Charles Lambert, to No. 7 Company.
- Captain John Chilton Lambton Carter, to No. 4 Company.
- Captain George Gwaras Carlyon, to No. 6 Company.
- Captain John Curling, to No. 1 Company.
- Captain Joseph Rhodes, to No. 3 Company.
- Captain Alexander Kennedy, to No. 2 Company.
- Captain Jasper Lionel Herrick to No. 5 Company.
- Captain Michael Fitzgerald, to Napier Reserve Company.
- Lieutenant Azin Salvater Birch, to No. 3 Company.
- Lieutenant Donald Gollan, to No. 7 Company.
- Lieutenant Henry Robert Russell, to No. 6 Company.
- Lieutenant Edward Spencer Curling, to No. 5 Company.
- Lieutenant James Anderson, to Napier Reserve Company.
- Lieutenant John Nathaniel Wilson, to No. 2 Company.
- Lieutenant Edmund Tuke, to No. 4 Company.
- Lieutenant George Edward Gordon Richardson, to No. 1 Company.
- Ensign John Davis Canning, to No. 7 Company.
- Ensign Alexander Grant, to No. 6 Company.
- Ensign James Nelson Williams, to No. 5 Company.
- Ensign Vautier Janisch, to No. 2 Company.
- Ensign William Maltby, to No. 1 Compa-

ny.

Ensign Cartwright Brown, to No. 4 Company.

Ensign William Ferguson, to No. 3 Company.

Ensign Michael Browne, to Napier Reserve Company.

2. The Battalion will at all times parade in companies for drill or rifle training at such convenient sites as the Captain in command may recommend. No drill is to take place without an officer being present, but the major commanding authorizes Captains of companies in rural districts to select convenient sites, for the training and exercise of portions of Companies, not less than 25 men.

3. The uniform of the Battalion will be:—

Officers:—

Plain blue hip jacket of serge or cloth, trimmed with black lace, plain forage cap.

Non-commissioned officers, rank and file:—

Blue shirt and forage cap.

4. Captains of Companies will be pleased to recommend men for promotion as follows:—

1 Sergeant to be Color-sergeant of the Company.

3 Corporals to be acting Sergeants.

6 men to be Lance-Corporals.

5. The Volunteers of the District are recommended to wear the same uniform as the Militia, but to provide themselves with black leather gaiters. The Major Commanding cannot promise that applications to form Volunteer troops or companies will be received after the 15th prox.

6. In the present state of the country it is the duty of the Major commanding to enforce the Militia law in all cases not specially exempted. With a view to the completion of the Militia Roll, Captains of companies and all officers of Militia will be supplied with Rolls, and persons who have not yet enrolled their names, should be enrolled whenever they request to do so. The rolls are to be transmitted weekly to the Captain and Adjutant Napier.

7. The Major commanding requests the assistance of all officers of the Militia in checking any attempt to evade the Militia laws. He will use his utmost endeavor to spare all classes from a single hour's unnecessary service; but it must be borne in mind that each person who evades his duty will throw more work on his fellow settlers, and on that ground will not be suffered to commit so discreditable a delinquency.

G. WITHERS,

Captain and Adjutant
Napier Militia.

Napier, July 27th, 1863.

BY virtue and in exercise of the power and authority for this purpose vested in me, I, George Stoddart Whitmore, Major, the officer commanding in the Napier Militia District, do hereby fix and appoint the times and places hereunder written to be the

times and places for the training and exercise of such of the men of the first and second classes of the Napier Regiment of Militia who are resident within that portion of the District assigned to Company No. 3, as is described and called out in this day's *Gazette* for exercise and training.

TIME.	PLACE.
Monday, 10th day of August, at noon, and each succeeding week three days, at such places and hours as may be fixed by the Officer Commanding.	Clive township.

G. S. WHITMORE,
Major Commanding Militia
and Volunteers.

Napier, July 27th, 1863.

BY virtue and in exercise of the power and authority for this purpose vested in me, I, George Stoddart Whitmore, Major, the Officer commanding in the Napier Militia District, do hereby fix and appoint the times and places hereunder written to be the times and places for the training and exercise of such of the men of the first and second classes of the Napier Regiment of Militia who are resident within that portion of the district assigned to Company No. 4, as is described hereafter, viz.:—Commencing at the junction of the Mongone river with the Tutae-kuri; thence by the Tutae-kuri river to where it runs into the Ahuriri harbor; thence by the shores of the Ahuriri harbor; thence to the North-East point of the Wharangi Reserve; and thence by a straight line to the mouth of the Mangaone river.

TIME.	PLACE.
Monday, the 10th August, at noon, and each succeeding week at such places and hours as may be fixed by the Commanding Officer.	On the Tutae-kuri river at the junction of the Taupo and Po-raite roads.

G. S. WHITMORE,
Commanding Militia and
Volunteers.

Napier, July 27th, 1863.

BY virtue and in exercise of the power and authority for this purpose vested in me, I, George Stoddart Whitmore, Major, the Officer Commanding in the Napier Militia District, do hereby fix and appoint the times and places hereunder written to be the times and places for the training and exercise of such of the men of the first and second classes of the Napier Regiment of Militia who are resident within that portion of the District assigned to Company No. 4, which is described and called out for exercise and training in this day's *Gazette*, but which is not included in the preceding notice.

TIME.	PLACE.
Saturday, the 15th August, at noon, and	Petane School-house.

each succeeding week at such places and hours as may be fixed by the Commanding Officer.

G. S. WHITMORE,
Commanding Militia and
Volunteers.

Napier, July 27th, 1863.

BY virtue and in exercise of the power and authority for this purpose vested in me, I, George Stoddart Whitmore, Major, the Officer Commanding in the Napier Militia District, do hereby fix and appoint the times and places hereunder written to be the times and places for the training and exercise of such of the men of the first and second classes of such of the Napier Regiment of Militia as may be chosen by ballot, being two-thirds of the men of the first and second classes, who are resident within the district assigned to Company No. 6, the boundaries of which are described in the General Government *Gazette* of Thursday, the 23rd July, 1863, and reprinted in this *Gazette* for General information.

TIME.	PLACE.
Saturday, 15th of August, at noon, and each succeeding week such three days and at such places and hours as may be appointed by the Officer Commanding.	Court-house, Wai-pawa.

G. S. WHITMORE,
Major Commanding Militia
and Volunteers.

NOTIFICATION.

IT is hereby notified for general information that in such cases as it may be deemed necessary to decide by ballot the men to be chosen for service or training in the Militia of the Province of Hawke's Bay,

That such ballot shall take place in the presence of an officer of the Company in which the ballot takes place and of a Justice of the Peace.

That the names of all the men in the Company qualified to serve in the class or classes to be balloted for shall be placed in an urn and drawn alphabetically by the men to be balloted for, if present, or otherwise by the officer of their Company on their behalf.

That a return shall be made of the men drawn for service or training by the officer of the Company present at the ballot, and such return shall be countersigned by the Magistrate acting on the occasion.

D. M'LEAN,
Superintendent.

Superintendent's Office,
Napier, July 27, 1863.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith to Joseph Rhodes, of Clive in the Province of Hawke's Bay and Colony of New Zealand Esquire greeting

WHEREAS an action is now pending in the Supreme Court of New Zealand for the Middle District at Napier in the said Province of Hawke's Bay wherein William Maltby of Napier aforesaid merchant, carrying on business under the firm of Maltby and Company is plaintiff and James Fougère late of Clive aforesaid publican but now of Guernsey in Great Britain is defendant and in order that the plaintiff may proceed in his action we command you that you do retain and keep all and singular lands and hereditaments monies and chattels and other property of whatsoever nature in the custody or under the control of you the said Joseph

Rhodes at the time of the service of this writ or in which such defendant shall at that time be legally or equitably entitled or otherwise beneficially interested and whether solely or jointly with any other person or persons and we further command you that you in your own proper person be and appear before such Judge of our said Court as shall be sitting in Chambers at Napier aforesaid on the seventh day of August now next at eleven o'clock in the forenoon and then to be examined touching the premises and to do and receive what shall then and there be considered of you in that behalf and this you shall in nowise omit. Witness Alexander James Johnston Esquire a Judge of the Supreme Court of our Colony of New Zealand this twenty-fifth day of July one thousand eight hundred and sixty-three.

This writ was issued by John Nathaniel Wilson of Napier in the Province of Hawke's Bay Solicitor for the above-named plaintiff.