



NEW ZEALAND GOVERNMENT GAZETTE.

[PROVINCE OF OTAGO.]

PUBLISHED BY AUTHORITY.

* All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed 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,

W. H. CUTTEN, Provincial Secretary.

Vol. I.]

FRIDAY, JANUARY 13, 1854.

[No 2.]

Superintendent's Office,
Otago, 10th January, 1854.

HIS HONOR THE SUPERINTENDENT has been pleased to appoint the following Gentlemen to be Members of the Executive Council in terms of Section 7 of the Executive Ordinance, Session I. No. 1:—

JAMES MACANDREW, Esq.
WILLIAM HENRY CUTTEN, Esq.
By His Honor's Command,
P. PROUDFOOT,
Interim Secretary.

Secretary's Office,
Otago, 11th January, 1854.

HIS HONOR THE SUPERINTENDENT has been pleased to appoint **THOMAS JOHN WHITE, Esq.**, to be Interim Treasurer for the Province of Otago, without salary, the appointment to bear date from the 3rd instant.

By His Honor's Command,
W. H. CUTTEN,
Provincial Secretary.

Secretary's Office,
Otago, 11th January, 1854.

HIS HONOR THE SUPERINTENDENT has been pleased to appoint **WILLIAM HENRY CUTTEN, Esq.**, to be Secretary for the Province of Otago, without salary, the appointment to bear date from the 11th instant.

By His Honor's Command,
W. H. CUTTEN,
Provincial Secretary.

Registrar-General's Office,
Otago, 10th January, 1854.

PURSUANT to the Provisions of the 40th, 41st, and 42nd clauses of the "Marriage Ordinance," Session 8, No. 7, 1847, the follow-

ing List of Officiating Ministers is published for general information:—

Name.	Residence.	Religious Body.
Rev. Thomas Burns	Dunedin	Free Church of Scotland.
Rev. John Albert Fenton	Dunedin	Church of England.
Rev. Henry G. Johnston	Waikouaiti	Do
Rev. J. F. H. Wohlers	Ruapuke	Lutheran Church

I, Robert Chapman, Registrar-General for the Province of Otago, do hereby certify that the foregoing is a true copy of the "List of Officiating Ministers" for the said Province, compiled by me in conformity with the instructions contained in clauses 40, 41, and 42 of the "Marriage Ordinance," Session 8, No. 7.

ROBERT CHAPMAN,
Registrar-General.

EXECUTIVE COUNCIL ORDINANCE, (Passed 10th January, 1854.) SESSION I. No. 1

An Ordinance to Constitute an Executive Government for the Province of Otago.

WHEREAS it is expedient that an Executive Government be constituted in and for the Province of Otago, Be it enacted by the Superintendent, with the advice and consent of the Provincial Council thereof, as follows:—

1. The administration of the Provincial Executive Government is hereby vested in the Superintendent, who shall act by and with the advice and consent of an Executive Council, to be appointed as is hereinafter provided.
2. The Superintendent shall establish a Provincial Government Gazette, of which Gazette No. 1, already published, containing the Proclamation appointing the first Session of this Council, shall be, and is hereby declared to be,

the first number of the said Gazette; and shall provide and use the Public Seal of the Province, which Seal shall not be altered or changed except by an Ordinance of the Provincial Council. Until such Seal shall be provided, he may use his own seal.

3. There shall be a Treasurer for the Province, who shall receive and pay all monies receivable and payable for and on behalf of the Province.

4. No public money shall be paid by the Treasurer except under a written warrant signed by the Superintendent.

5. The Treasurer shall, before entering on the duties of his office, give sufficient security for the faithful discharge of his trust to, and to the satisfaction of the Superintendent.

6. There shall be an Executive Council of the Province.

7. Such Executive Council shall consist of not more than three Members, who shall be also Members of the Provincial Council.

8. The Treasurer and the Members of the Executive Council shall be appointed by, and hold office during the pleasure of, the Superintendent.

9. No Member of the Provincial Council shall be qualified to hold any office of emolument under the Superintendent, unless he be elected a member of the Council subsequent to his appointment to such office.

10. It shall be lawful for any Member of the Executive Council, or for any other Officer to be appointed by the Superintendent in pursuance of this Ordinance, by written notice addressed to the Superintendent, to resign his office, and upon the receipt by the Superintendent of such resignation, the office of such Member or officer shall become vacant. But nevertheless the person so resigning shall be bound to execute the duties of his office after his resignation for any period required by the Superintendent not exceeding one month, and shall also be bound to hand over, by a signed inventory, all documents, writings, books, monies, and other property connected with his office, to any person authorised by the Superintendent to receive the same.

11. The Superintendent shall from time to time, by and with the advice and consent of the Executive Council, appoint all such officers as he shall deem necessary for the effective discharge of the business and affairs of the Province, and fill up all existing offices with fit and proper persons, whenever a vacancy therein respectively shall occur. He shall also have power to suspend and remove any officer from his employment for neglect of duty, or for any other just or sufficient cause.

12. The Superintendent shall prescribe rules for transacting the business of the several offices of the Province, and from time to time alter the same as to him may appear necessary.

13. If any Officer to be appointed by the Superintendent as aforesaid shall deem himself aggrieved by his suspension or removal from office, he may present a petition to the Provincial Council, shewing that he has been suspended or removed from office without just or sufficient cause, and praying for an investigation into the ground or charge on which he may have been suspended or removed; and the Council shall investigate the same accordingly.

14. This Ordinance shall come into operation from and after the day of the passing thereof, and may be amended during the present Session.

RESOLUTIONS OF THE PROVINCIAL COUNCIL PASSED AT A SITTING ON 12TH JANUARY, 1854.
ASSEMBLY.

"That it is an infringement of the rights of New Zealand colonists to deprive them of a General Assembly, or to suspend the erection of the Constitution in all its fulness."

LAND.

"1. That it is the opinion of this Council that the

administration of waste lands should be at the hands and under control of the Provincial Government, subject to such general laws as the Assembly, or, until it meets, the General Government, might impose.

2. That, with respect to the Otago Block, the administration should rightfully be in the hands of the Superintendent and Council, as the elected representatives of the Otago settlers:

1. Because the Constitution Act, section 78, refers to a Charter, the object of which was to convey to the settlers the power of amending the Terms of Purchase in conformity with their own wants and wishes, and which Charter was only withheld by the passing of the Constitution Act, enabling the Assembly to give the same powers to the settlers; and this view of the case is confirmed by the Governor's instructions, whereby the said Block is excepted from the proclaimed rule for all New Zealand, and is to be administered in conformity with its Terms of Purchase until the General Assembly shall otherwise determine.

2. Because the surveys of each kind of allotment, as stipulated in article 5 of the Terms have never been completed, because the settlers, at the prices paid, have rights of depasturage within the Block, on the footing of *internal or proclaimed Hundreds*, as recognised by his Excellency Sir George Grey, but which have been overlooked in the distance, and the unavoidably scant communication between the Government and the colonists.

3. Because the random dissection of the Block, on the assumption that the 144,600 acres have been picked out and allocated according to agreement (which is not the fact), or the mistaken imagination of the Block having been partly proclaimed and partly not; and the proceeding on these assumptions to sell lands close to Dunedin at 10s. an acre, and others at the extremity of the Block at 40s., or, if near Dunedin, at 60s., (so far as any would buy them,) is fraught with ruin and confusion.

4. Because, whatever price might be adopted by the settlers in altering the Terms of Purchase, the whole of that price (less the tax of 25 per cent. payable by the Constitution Act for all New Zealand) must be applied to improvements, or in other words, to roads and immigration, within the Block; whilst on the other hand, the funds arising from sales actually within, but assumed to be external to, the Block have a wholly different destination. They must go entirely to external purposes, and which purposes are so far from having any possible surplus, that the Provincial Government is invited to aid them by grants from its own scanty and inadequate revenues. And thus it is, the land fund of Otago is reduced to a nullity; and, at the very time when the colonists expected to have something for roads and the continuous supply of labor, advantage is attempted to be taken of their first outlay, and the attractions they have created to sell their lands for other and external purposes,—and utterly to deprive them of roads and bridges—an aspect of wrong and injustice which can only require to be stated, in order to be instantly set aside as incompatible with the instructions of the Colonial Minister or the duties of the Provincial Government under Section 18 of the Constitution Act.

3. That with regard to the evils referred to in the Colonial Minister's despatch, published in the New Zealand Government Gazette, No. 5, vol. VI., and which evils it was deemed desirable to rectify if possible before the General Assembly could meet,—that as no such evils had ever attached to any part of the Province of Otago, this Province is not necessarily involved in the remedial measures adopted for the suffering districts; and that as lands, from 10 acres upwards, suited to the wants of small purchasers, by being near the town, and other localities where work for wages can be had, the smallest purchasers are, and ever have been, most amply provided for,—an advantage and necessity which under the Government Regulations of the 4th March last, is entirely lost sight of. But without going into the necessity or acceptability, in other provinces—such as Wellington, where a loan of £10,000 for immigration is already being raised, because of the lack of sufficient land funds—the younger (but at the same time unencumbered) province of Otago, has no securities on which it could borrow, were it even desirable. And without at present questioning whether the prices announced for lands external to the Otago block may or may not be sufficient, the Council is of opinion that public lands should not be alienated, except at a price that shall bear the expense of surveys, and make suitable provision for immigration."