



# 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.

W. GARDNER, Superintendent.

VOL. II.]

WEDNESDAY, DECEMBER 27, 1854.

[No. 16.]

## APPROPRIATION ORDINANCE.

In the Eighteenth Year of the Reign of  
Her Majesty Queen Victoria.

SESSION II., No. 3.

### ANALYSIS.

**Preamble.**

1. Certain Sums to be applied to the Service of the half-year ending 31st March 1855.
2. Treasurer to Pay Monies on Warrant of the Superintendent.
3. Commencement of Ordinance.

*AN ORDINANCE to appropriate the Revenue for the Half-Year ending 31st March, 1855.*

**WHEREAS** it is expedient that provision should be made for defraying the expense of the Government of the Province of Otago from the Revenues thereof for the service of the half-year from 1st October, 1854, to 31st March, 1855, both inclusive.

**BE IT THEREFORE ENACTED** by the Superintendent of said Province, with the advice and consent of the Provincial Council thereof, as follows:—

1. Out of such Revenue there shall and may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums hereinafter specified, amounting in whole to the sum of £2760 13s. sterling, for defraying the charges of the Government of the said Province for the half-year commencing on the 1st day of October, 1854,

and ending on the 31st day of March 1855—  
that is to say, for the service of

His Honor the Superintendent,	\$150 0 0
The Provincial Treasurer,	£50 0 0
The Provincial Solicitor,	60 0 0

The Police Magistrate,	100 0 0
The Clerk of Council and Clerk to the Bench,	100 0 0
The Clerk to Superintendent,	75 0 0
	60 0 0

The Roads Department—	
Surveys	£200 0 0
Roads	300 0 0
	500 0 0

The Harbour Department—	
Pilot,	\$30 0 0
Four Boatmen at not exceeding £4 10s. per month,	108 0 0
Remooring and Repairing Buys and Beacons, &c.	100 0 0
	268 0 0

The Police Department—	
Chief Constable,	62 10 0
2 Men in Dunedin,	90 0 0
Hard Labour Overseer	45 0 0
Office-keeper, Messenger, &c.,	30 0 0
Constable at Port Chalmers	17 10 0
	245 0 0

Poundkeeper and Inspector of Slaughter-houses,	10 0 0
3 Inspectors of Sheep,	15 0 0
	25 0 0

Carry forward, £1513 0 0

	Brought forward,	£1513	0	0
The Gaol Department—				
Gaoler, not exceeding	50	0	0	
Rations, &c., for Prisoners, and Contingencies,	65	0	0	
		115	0	0
Hospital—Repairs,		50	6	0
Education—				
Passages of Teachers,	}	650	0	0
School Apparatus,				
Trustees for Religious and Educational Uses.—Proportion of Land Sales due to them, being 1-8th of the proceeds of land sold within the Otago Block under the Terms of Purchase, and forming part of the balance of £612 2s. 6d., handed over to the Provincial Treasury by the General Government on the establishment of a Local Go- vernment,				
		82	13	0
Miscellaneous—				
Rent of Council Chamber,	£15	0	0	
Printing and Stationery,	100	0	0	
Coroner's Fees, &c.,	5	0	0	
Registrar of Deeds,	15	0	0	
Expense of Recording Deeds,	15	0	0	
Statistics,	100	0	0	
General Contingencies,	50	0	0	
Supplementary Contingen- cies,	50	0	0	
		350	0	0

Amounting in whole to the fore- } £2760 13 0  
said sum of

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in whole the sums respectively above specified, to such persons, and in such portions as the Superintendent shall, by Warrant or Warrants signed by him, from time to time direct, and such Treasurer shall in his account be allowed credit for all sums paid by him in pursuance of such orders, and the receipt of the person to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipt shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

3. This Ordinance shall come into operation from the day of the passing thereof.

Passed the Provincial Council this eighteenth day of December, one thousand eight hundred and fifty-four years.

ROBT. CHAPMAN,  
Clerk of Council.

Assented to on behalf of the Governor,  
at Dunedin, the eighteenth day of  
December, one thousand eight hun-  
dred and fifty-four.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 27th November 1854.  
I HEREBY NOTIFY that I have authorised  
MR. DANIEL CAMPBELL, Dunedin,  
to Print and Publish the Provincial "Govern-  
ment Gazette" until further notice.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 18th December 1854.  
I HEREBY NOTIFY that I have appointed  
ALFRED CHETHAM STRODE, Esquire,  
to be Police Magistrate for the Province of  
Otago.

Appointment to date from 1st December,  
1854.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 18th December 1854.  
I HEREBY NOTIFY that I have appointed  
MR. JOHN LOGAN  
to be Clerk to Superintendent.

Appointment to date from 1st October 1854.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 20th December 1854.  
I HEREBY NOTIFY that I have appointed  
MR. HENRY MONSON  
to be Gaoler of the Gaol at Dunedin, in the  
Province of Otago.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 23rd December 1854.  
I HEREBY NOTIFY that I have appointed  
The Honourable EDMUND HOOKE WILSON  
BELLAIRS, Esquire, of Dunedin, M.L.C.,  
and that the Provincial Council have elected  
JOHN HYDE HARRIS, Esquire, of Dunedin,  
M.P.C., and  
EDWARD M'GLASHAN, Esquire, of Dunedin,  
M.P.C.,  
to be Auditors under the "Board of Audit  
Ordinance," Session II., No. 2.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 26th December 1854.  
I HEREBY NOTIFY that CHARLES HENRY  
KETTLE, Esquire, tendered to me on the  
20th December current his Resignation as Re-  
gistrar of Deeds for the Province of Otago,  
which Resignation was this day accepted.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 26th December 1854.  
I HEREBY NOTIFY that I have appointed  
MR. ROBERT CHAPMAN  
to be Registrar of Deeds for the Province of  
Otago.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 26th December 1854.  
I HEREBY NOTIFY that I have appointed  
MR. JOHN BARR  
to be Office-keeper, Messenger, &c.  
Appointment to date from 1st October 1854.

W. CARGILL,  
Superintendent.

Superintendent's Office,  
Dunedin, 19th December 1854.  
**T**HE following Extract is published for general information.

W. CARGILL,  
Superintendent.

MESSAGE No. 6.

To the Provincial Council of Otago.

GENTLEMEN, \* \* \* \* \* I stated in a late message that no man could form a rational opinion of what ought to be the price of land in this Province until he should know what was to be done with that price—whether applied to the public wants of the Province itself, or appropriated by the General Government. That point is now decided. The Despatches received give conclusive evidence that the price, whatever it might be, after giving a fourth to the Company, is equally divided—the General Government retaining one of the halves and power for the present at least, to appropriate the other also. It farther appears that in other Provinces 10s. an acre has been adopted as the price for available land, so far as such lands had not been monopolized and become private property under the Proclamation, and the jobbings it gave rise to; also, that measures are being taken to arrest such monopoly and its disastrous results, by imposing *conditions* upon future purchasers.

With this information the Otago Executive have at once given their minds to an earnest and honest consideration of the subject, and they now state to your House, and through your House to the public, their conviction and opinion to be—

1stly, That the price of land in this Province must of necessity be 10s. an acre, subject perhaps to Auction Sales within and in the neighbourhood of Towns and Villages.

2ndly, That the *conditions*, in order to exclude monopoly and secure occupation, ought to be an annual outlay for four successive years at the rate of 20s. an acre. The working man, for instance, whose labour of 8 hours a-day is worth £75 a-year, having got possession, say, of 25 acres for £12 10s., could work upon that land for his own account to the value of £25 a-year with but little if any diminution from his money earnings by work for others; whilst happily the state of this Province is such as to enable him to choose his land where work for wages is to be had. And, on the other hand, the capitalist, great or small, who calculates upon an outlay of £10 to £15 an acre, to get his land under cultivation, should be taken bound as a condition of title, honestly to apply, at the rate of 20s. an acre, for 4 successive years, or £4 in all, out of the sum required for the improvement of his estate. But in the event of his proving this outlay at any time short of the 4 years, that the title be immediately issued. Thus, with respect to 100 acres, the evidence of £400 having been laid out upon them, should at once bring out the title.

3rdly, That the General Government be applied to that the Survey Department be put on such a footing that each purchaser shall be put in possession of his land free of survey cost.

4thly, That as no aid for Immigration or Improvements can hereafter be looked for from a land fund, other provisions, such as a Roads and Immigration Ordinance, &c., ought to be made for them.

5thly, That the sale of Lands and issue of Depasturage Licenses be administered in open court by a Board to be called the Waste Lands Board, consisting of a Chief Commissioner and at least two other Commissioners, to be nominated and removed by the Provincial Legislature.

6thly, That it is desirable that persons of good character emigrating from the United Kingdom and elsewhere to settle in this Province should be entitled to acquire property in land free of cost, in proportion to the sum expended by them in defraying their passage to the colony.

7thly, That in order to secure the undisturbed occupation of Grazing Leases, no lands should be

sold except within the limits of Hundreds or Townships, to be from time to time proclaimed as the advancement of colonization may call for.

8thly, That whilst laws as above indicated ought generally to apply to the whole Province of Otago, the settlers under the Otago Scheme should, in accordance with the pledges made to them, be maintained in the full right to carry out within their own block (should they so desire it) the work of special colonization which they have, as a body of Scotch Presbyterians, so successfully instituted.

Let the working man, the yeoman, and the cultivators of large capitals by employment of labour, consider the opinions we now offer. Let all such parties, whether in the colony, or who may yet come to it, in virtue of a patrimonial right in the fair dispensation of public lands, let them say whether the wholesale jobbing away of these lands into the hands of a few ought not to be firmly arrested, and whether parties who would bring that system (for the sake of a lion's share in it) into what may be called the yet virgin Province of Otago, ought not to be resisted. We are of opinion they ought, and that conditions, easy and reasonable, but calculated to ensure the occupation and improvement of the land, ought to be made a condition of title to all; that these conditions, as regards the working man, being reasonable and fully within his reach, the same conditions ought proportionately to apply to all other purchasers—and in such wise, that no man, large or small, should acquire more of the public lands than he can turn to account, for his own use and the public well-being. Such, under this head, are the principles of the Otago Scheme, and those principles are too sound to be upset, in place of being modified in details, as we have proposed—and this point is equally applicable to the whole Province.

Dunedin, 12th Dec. 1854.

W. CARGILL.

CONTRACTS FOR PROVINCIAL  
GOVERNMENT.

Superintendent's Office,  
Dunedin, 20th December 1854.

**T**ENDERS in Duplicate will be received at this Office on or before the 4th day of January 1855, from Persons willing to Contract for supplying the Provincial Government with the undermentioned Articles in such quantities as may be required for the half-year ending 31st March 1855:—

FIREWOOD.

Tenders to state the price per Cord, piled up at the respective places where the same is at present piled at this Office, and at the Gaol, Dunedin, respectively.

STATIONERY.

Bound Books, 5 quires, 13 by 8 in.	} per
" " 7 do. 13 by 10 in.	
Foolscap at per ream, 1st quality.	} quire.
" " 2nd do.	
Note Paper, at per ream	
Envelopes, foolscap, at per 100	
" " letter and note, at per 100	
Blotting Paper, at per quire	
Parchment (dimensions of skin to be stated in tender)	
Steel Pens, Magnum Bonum, at per dozen	
Pencils, best drawing, at per dozen	
Sealing Wax, at per lb.	
&c. &c. &c.	

Further particulars will be obtained on application at this Office.

By His Honor's command,

JOHN LOGAN,  
Clerk to Superintendent.

Superintendent's Office,  
Dunedin, 22nd December 1854.

**HIS HONOR THE SUPERINTENDENT** directs it to be notified that he has received and paid over to the Sub-Treasurer, the under-mentioned sums collected in aid of the Widows and Orphans of the Soldiers and Sailors who may be killed during the present war in Europe, viz. :—

Presbyterian Church of Otago—	
Per Rev. Thos. Burns, Dunedin,	£11 0 4
Per Rev. Wm. Bannerman, Clutha and Tokomairiro,	6 0 0
Per Rev. Wm. Will, East Taieri, £3 17s., West Taieri 14s.,	= 4 11 0
	£21 11 4
Episcopalian Church—	
Per Rev. J. A. Fenton, Dunedin,	10 19 6
Total,	£32 10 10
By His Honor's command,	
JOHN LOGAN,	
Clerk to Superintendent.	

#### NEW MARRIAGE ACT.

**T**HE attention of the Public is called to an Act of the General Assembly of New Zealand, intitled the "Marriage Act, 1854," which among other things provides—

" 6. In every case of marriage intended to be solemnized in the Colony of New Zealand, one of the persons intending Marriage shall, under his or her hand, give notice in the form in the schedule A, to this Act annexed, to the Registrar of the District within which one of the persons shall have dwelt for not less than three days, and shall therein truly state the age, name and surname, and the calling or profession, and condition of each of the persons intending marriage, the dwelling place of each of them, and the time that each of them has dwelt in such district, and the church, building, or place, in which such marriage is intended to be solemnized. Provided always that if the persons intending marriage dwell in the districts of different Registrars, the like notice shall be given to the Registrar of each district.

" 7. The Registrar shall keep all such notices with the records of his office, and shall also, immediately on receiving any such notice, enter a true copy thereof fairly into a book to be called the 'Marriage Notice Book.' Provided always that before the copy of any such notice shall be so entered in the Notice Book, the Registrar shall require the person giving such notice to make a solemn declaration to the truth of the several particulars set forth in such notice.

" 8. There shall be paid to the Registrar, by the person leaving the said notice of Marriage with the Registrar, a fee of two shillings and sixpence.

" 9. Every such 'Marriage Notice Book' shall be open to all persons desiring to inspect the same, between the hours of ten in the morning and four in the afternoon of every day, except Sunday, Christmas Day, Good Friday, and the Queen's Birth-day, and for every such inspection there shall be paid to the Registrar a fee of one shilling.

" 10. It shall be lawful for the Registrar to whom such notice shall have been given as aforesaid, immediately upon receipt of such notice as aforesaid, to issue a certificate in the

form Schedule B to this Act annexed, in the cases following, that is to say: first, when it shall appear from the notice and solemn declaration herein mentioned that both the persons intending marriage are of full age, or if a person be under age, that such person is a widow or widower. Secondly, where the person being under age, and not a widow or widower, the consent in writing of the parent or guardian as herein required to the marriage of such person shall appear upon the notice, which consent shall be signed by the parent or guardian either before the Registrar at his office, or before a Justice of the Peace, or a Solicitor of the Supreme Court; and be attested by such Registrar, Justice, or Solicitor, and for every such certificate the Registrar shall be entitled to a fee of twenty shillings. In all other cases the Registrar shall not issue his certificate until after the expiration of fourteen days after the receipt by him of such notice. And for every certificate as last mentioned he shall be entitled to a fee of five shillings.

" 11. No such certificate shall be issued by any Registrar if any lawful impediment be shewn to the satisfaction of such Registrar to the issue thereof, nor if the issue of such certificate shall have been forbidden in manner hereinafter mentioned by any person or persons authorised in that behalf as hereinafter provided.

" 12. Before any certificate as aforesaid shall be granted by any such Registrar, one of the persons intending marriage shall appear personally before such Registrar, and shall 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.

" 13. Every such certificate as aforesaid issued by any such Registrar, shall be full authority for any Officiating Minister to celebrate any marriage, when both the persons intending to contract such marriage dwell in the same district. But if those persons dwell in different districts, certificates from the Registrars of both districts shall be required. Provided always that no such certificate or certificates shall oblige any Officiating Minister to solemnize any marriage.

" 14. Whenever a marriage shall not have been celebrated within three calendar months after the notice herein required to be given shall have been given to the Registrar, such notice and any certificate which may have been granted thereupon shall be utterly void."

" 16. 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 shall be dead, the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no guardian or guar-

dians, or in case the father shall not be resident within the colony, then the mother of such person if resident in the colony, and if there shall be no mother resident within the colony, then the guardian or guardians (if any) of the person appointed by the Supreme Court, or one of them, shall have authority to give consent to the marriage of such person, and such consent is hereby required for the marriage of such person so under age, unless there shall be no person within the colony authorised to give such consent.

" 17. In case the father or fathers of the persons so under age as aforesaid, or the guardian or guardians, mother or mothers, or any person whose consent is made necessary as aforesaid, shall be 'non compos mentis,' or shall unreasonably or from undue motives, refuse or withhold his or her or their consent to a proper marriage, then it shall be lawful for any person desirous of marrying in any of the above-mentioned cases, to apply by petition to a Judge of the Supreme Court in a summary way, and in case the marriage proposed shall, upon examination, appear to be proper, any such Judge shall judicially declare the same to be so, and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian, or guardians, or mother of the person so petitioning, had consented to such marriage.

" 18. Any person whose consent is required as aforesaid may forbid the issue of the Registrar's certificate, by writing at any time in the presence of the Registrar before the issue of such certificate, the word 'Forbidden,' opposite to the entry of the notice of such intended marriage in the 'Marriage Notice Book,' and by subscribing thereto his or her name and place of abode, and their relationship or guardianship, by reason whereof he or she is authorised to forbid such certificate.

" 19. Any person having just and reasonable cause in that behalf, may, on the payment of five shillings, enter a Caveat with the Registrar against the grant of a certificate for the marriage of any person named in such Caveat. And if any Caveat be entered with the Registrar, such Caveat being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her Caveat is founded, no certificate shall be granted until the Registrar shall have examined into the matter of the Caveat, and be satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the Caveat be withdrawn by the person entering the same. Provided always that in case of a Registrar refusing the grant of a certificate, the person

applying for the same shall have a right to appeal to a Judge of the Supreme Court in a summary way, who shall thereupon either confirm the refusal, or direct the grant of the certificate.

" 20. Every person who shall enter a Caveat with the Registrar against the issue of any certificate on grounds which a Judge of the Supreme Court shall declare to be frivolous and vexatious, and that they ought not to obstruct the issue of the certificate, shall be liable for the costs of the proceedings, and for damages to be recovered in an action by the person against whose marriage such Caveat shall have been entered."

21. Registrar's certificate to be delivered to Officiating Minister, &c., or Registrar present at marriage.

22. 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.

" 23. Any person who shall object to be married under the provisions of this Act in the presence of any Officiating Minister, may, after compliance with the provisions of this Act in all other particulars, contract and solemnize marriage at the office, and in the presence of some Registrar, in the presence of two witnesses, with open doors, and between the hours aforesaid. PROVIDED that in the presence of the Registrar and witnesses as aforesaid, each of the persons shall declare 'I do solemnly declare that I know not of any lawful impediment why I (A.B.) may not be joined in matrimony to (C.D.);' and each of the persons shall say to the other 'I call upon these persons here present to witness that I (A.B.) do take thee (C.D.) to be my lawful wedded wife or husband.'

" 24. The Registrar shall be entitled, for every marriage which shall be solemnized under this Act in his presence as aforesaid, to receive from the persons married the sum of three pounds."

\* \* \* \* \*

" 30. If any persons shall knowingly and wilfully intermarry on or after the said first day of January 1855 without certificate from the Registrar, or in the absence of an Officiating Minister or Registrar when the presence of an Officiating Minister or Registrar as aforesaid is necessary under this Act, the marriage of such persons shall be null and void."

\* \* \* \* \*

The Act may be perused during business hours at the office of the Registrar, who will afford all necessary information to parties requiring the same.

The names of the under-mentioned Ministers have been received by me for insertion in the New Zealand Government Gazette, as officiating Ministers under the Act for the year 1855 :—

NAME.	RESIDENCE.	RELIGIOUS BODY.
The Rev. Thomas Burns,	Dunedin,	Free Church of Scotland.
„ William Will,	Taieri,	Do.
„ William Bannerman,	Clutha,	Do.
„ John Albert Fenton,	Dunedin,	United Church of England and Ireland.

ROBT. CHAPMAN,  
Registrar-General, Province of Otago.

